

TRANS gender justice

**Selected Proceedings of the
Transgender Politics, Social
Change, and Justice Conference**

**May 6-7, 2005
Center for Lesbian and Gay Studies
New York City**

Edited by

**Paisley Currah, Gael Gundin Guevara,
and Richard M. Juang**

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Simon Aronoff, Paty Betancourt, Kylar Broadus, Mauro Cabral, Ned del Callejo, Eli Clare, Max Cohen, Loree Cook-Daniels, Maria Belén Correa, Betsy Driver, Joshua Holiday, Richard M. Juang, Alexander Lee, Nathan Levitt, Samuel Lurie, Dee Perez, Marisa Richmond, Dean Spade.

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Introduction

RICHARD M. JUANG

From May 6-7, 2005, the *Transgender Politics, Social Change, and Justice* conference brought together activists from Argentina, Canada, Mexico and the US. The audience numbered in the hundreds and arrived from a multitude of cities and towns. The distinctive focus of this conference was the practical politics of the transgender civil and human rights movement. Its intellectual foundation was the advanced knowledge of experienced activists. *Transgender Politics, Social Change, and Justice* was, in effect, a conference that went well beyond “Transgender 101.”

These chapters provide a sample of the many workshops that took place. Local and international organizations were present, as well as a wide range of individual identities. In turn, these chapters offer a portrait of a complex terrain of activism and struggles, each embedded in specific national, institutional, legal and cultural contexts.

What this set of conference proceedings says, as well as the conference itself, is that *transgender people are everywhere*, not only geographically, but also in our principles, strategies and goals. This diversity is a strength.

Of equal importance to the organizational breadth of the conference was its ideological breadth. The ideas and practices represented at *Transgender Politics, Social Change, and Justice* and discussed in these pages are responses to specific needs and contexts. Consequently, as a whole, these chapters do not offer a uniform set of political principles. Some writers would be described as radical, others as liberal. Many cannot be easily mapped onto such distinctions. This breadth represents the fluidity necessary to respond critically and effectively to complex forms of oppression.

What are these forms of oppression? Many transgender people lack even the basic framework of formal legal equality. Most lack access to adequate primary, preventative and transgender-related health care. HIV infection rates for transgender women

of color exceed that of virtually any other measured demographic. Consistently, we face disproportionate levels of unemployment, crime and violence. We experience high levels of state-sanctioned and extra-legal violence from police forces and in prisons. Social services, especially those that are organized around sex-segregated facilities such as homeless shelters, are often dangerous or closed to us. Few services or support systems are available to either the young or the old. Transgender people’s basic privacy expectations are often ignored, and our access to everyday identity documents typically subject us to inconsistent and untenable rules and capricious administrative decisions. In the mass media, we are often represented by images and language that are openly derisive, sensationalistic or pathologizing, as well as simply inaccurate.

Against all of this, transgender people have found a growing sense of agency in the struggle to control our lives. Transgender activists are developing the organizational strength to combat misrepresentations of who we are and our diversity, identifying the critical legal, institutional and public policy changes that we need, and building alliances that allow us to make those changes. We have begun to reject half-hearted institutional and social inclusion and to refuse exclusionary politics that seek gains for some at the expense of others.

We are also looking inward, as a

means of moving forward, by recognizing that we are not outside of structural racism, classism and nationalism. We are now seeking ways of pursuing the political work that we believe we need, in order to achieve a world in which *everyone’s* life is valued.

In the context of such aspirations, *Transgender Justice* opens with two compelling statements of principle: the assertion that international human rights documents and instruments must incorporate protections for gender *expression* beyond gender *identity*, and the assertion that violence against transgender women must be seen as part of the international human rights understanding of violence against women, generally. While these distinctions might seem slight at the semantic level—the difference between expression and identity and the addition of a few adjectives to the category of “women”—Mauro Cabral identifies the ways in which such changes are substantive and urgent. The cultural and legal codes attached to the regulation of gender expression and the denigration of women and femininity are the focal points of oppressive state and extra-legal violence.

And out of that recognition, a struggle for justice begins.

Finally, we wish to thank the organizers and participants of *Transgender Politics, Social Change, and Justice*, and the many intersecting communities to which we belong. ■

May 3, 2007

Gender Expression and Human Rights

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Gender expression can be defined as the way in which all human beings articulate and realize themselves in general terms: for example, the way in which each person expresses many possibilities of masculinity and femininity, androgyny, etc.

Different from sexual orientation and gender identity, gender expression is eminently social and constitutes a fundamental part of the way that we are perceived and we perceive others. Therefore, it plays a big role in social dynamics, including, profoundly, those dynamics related to the reinforcement of gender stereotypes and the violation of human rights.

Identity and Gender Expression

If in the last few years the concept of gender identity has been progressively introduced into the framework of human rights, its introduction is not enough to cover the range of phenomena associated with gender expression.

The concept of gender identity can be defined as the inner sense that each human being has about themselves in terms of gender. Traditionally, it has been believed that there are only two possible gender identities—man

and woman—that are recognized until today by the state and that make up the generic categories typically considered by different human rights instruments. However, it is important to recognize the existence of a great diversity of possible gender identities, including, for example, *transvestite*, *intersex*, *transgender*, *two-spirit*, *hijra* and others.

Those who identify themselves differently from how they were assigned at birth usually have to go through extensive psychiatric, medical and legal treatments and processes in order to obtain legal recognition of their gender identity and, even if this recognition were to be legally accepted, it is always with the understanding that their new identity must conform to a normative binary legal definition: man/woman.

Despite the centrality of the idea of gender identity in the framework of human rights, the concept as it has been introduced is insufficient for recognizing all of those violations of human rights that are based primarily on the ways that

humans express their gender through their clothes, mannerisms, speech, appearance, and other ways of presenting themselves.

Why is it important to introduce gender expression into the framework of human rights? Why is it not enough to just talk about gender identity?

- Because the concept of gender expression helps bring to light a great variety of violations of human rights based on the way that people express themselves socially in terms of gender, whatever their identities might be.¹
- Because certain legal regulations, such as those that penalize wearing clothing of the opposite sex or common interpretations of regulations

about public disorder, prostitution, and homelessness, criminalize people whose gender expression contradicts cultural stereotypes of masculinity and femininity,² placing them in a position of social and institutional vulnerability.

- Because the concept of gender expression makes visible the violence that is commonly connected to the cultural conventions that tie gender identity to gender expression. Examples of such situations include: when men with “feminine” behaviors and women with “masculine” behaviors are punished, or when transgender people are denied legal recognition of their gender identity when they do not express their masculinity or their femininity in a way that is culturally “adequate.”
- Because the established cultural connections between gender identity and gender expression seem to justify the morality and legality of surgical interventions intended to assign the “identity” of intersex children, when, in fact, such surgeries are aimed at maintaining and strengthening that same connection. For example, the regular practice of clitorectomies practiced on intersex children appears related, morally and legally, to the assignment of a female gender, when, in truth, what is desired is to align the gender that a body expresses with the gender identity that had been already pre-assigned.³
- Because the violation of human rights that focuses on gender expression intrinsically relate to inequalities of gender, in which the feminine is considered inferior, so that those people who are recognized legally and socially as females are also punished with violence, torture and death if they express their

gender in a masculine way. At times, this punishment relates to gender identity and sexual orientation, but not automatically.

- Because, unlike gender identity and gender orientation, gender expression cannot be hidden. It is possible that many human rights violations related to people’s gender identity or sexual orientation have their origin in the perception of forms of gender expression that contradict cultural stereotypes about how masculinity and femininity should manifest socially, including expressions of affection and of what all human beings say about themselves.
- Because certain forms of gender expression not only are connected in the social imagination, to social marginalization, crime, prostitution and the consumption and traffic of drugs, but they also seem to justify arbitrary detentions, disappearances, tortures and execution.⁴

Why is gender expression a matter of freedom of expression?

- Because of its intrinsic connection with the social dimensions of the personality and its role in everyday interactions.
- Because certain gender expressions incite openly discriminatory treatment and violence, prevent access to spaces for dialogue, make travel in public spaces unsafe, and subject people to humiliation and degrading treatment in hospitals, border crossings, police stations, and other institutional or public spaces.
- Because the majority of compulsory surgeries done to intersex children are connected, decisively, with the potential of each human body to be able to express, clearly, certain norms

of gender, such that the identity of the person is perceived unequivocally, at first glance. The compulsory fixing in place, through surgery and hormones, of the masculinity or femininity of people’s bodies constitutes a clear violation of their rights to free expression, including the right to express physically diverse gender expressions.

- Because for trans people, access to the biotechnologies of body modification—such as reconstructive surgeries and hormone therapy—as well as the legal recognition of their gender identity, depends on their capacity to embody cultural stereotypes of masculinity or femininity, thus risking their rejection as candidates for medical and legal assistance.
- Because transgender people who do not wish to modify their bodies are put in the difficult position of having to decide between the lack of legal recognition for their gender identity and sex reassignment surgeries and sterilization. This situation not only threatens their right to express physically diverse gender expressions, but pressures them, in order to survive, to hide or distort their gender expression or to suffer consequences such as getting fired from their jobs, harassment, detention, torture and death for not following through with these procedures.
- Because certain gender expressions—in particular, those expressed by *ynthias*, masculine lesbians and trans men—are systemically degraded in the mass media. The representation in the media of these expressions is constructed around ridicule, harassment and cruelty, which deeply and negatively affects the ability of those who embody these identities to enjoy and express them freely.

- Because the social devaluing of certain forms of gender expression constrains freedom of expression, reducing the culture’s ability to live, value, respect and celebrate diversity.

Given that Resolution 2005/38 concerns the right to freedom of opinion and expression, stating: “keeping in mind that all human rights are universal, indivisible, interdependent and related to each other, the effective exercise of the right to a freedom of opinion and expression is a clear indicator of the level of protections of all the other human rights and liberties.”

Furthermore, given that the Resolution states that, “the violation of rights...consisting of extra-judicial killings, arbitrary detentions, torture, intimidation, persecution, harassment, threats and acts of violence and dis-

crimination, including those based on gender,” are used systemically to attack those who defend the human rights of those whose gender expression contradicts cultural stereotypes of masculinity and femininity—in particular ynthia activists.

In relation to what has been described, the Resolution states “[we are] saddened that certain media outlets promote false images and negative stereotypes of individuals and vulnerable groups”⁵

Because of this state of affairs, we ask for the inclusion of the concept of “gender expression” as a specific cause of violations to human rights, while we continue to support the international work directed toward defending, promoting and celebrating the different ways that gender expression is realized by human beings. ■

¹ For example, someone who is female bodied and expresses their gender in a masculine way can be harassed whether the person is a masculine heterosexual woman, a masculine lesbian, a female to male transsexual, or a person with an intersex condition. The aggression is motivated by the violation of cultural stereotypes of *gender expression*.

² For example, “some criminal codes in Argentina punish those who in everyday life dress and pass as a person of the opposite sex, making their identification questionable, affecting their public good intentions,” punishing them with a ticket that could cost from twenty to 60% of the pay of a security agent (Code of Violations of the province of Buenos Aires – No. 8031/73 12 of April of 1973, Chapter VII, “Against the Good Public Faith”, Article 92, inc. “e”), or with arrest up to 15 days or with a fine of 1500 pesos (Title V of the Code of Violations of the Province of Mendoza No. 3365 of the 25 of November of 1965, Article 80). Ferreira, Marcelo (2005) “Legal situation that in Latin America and the Caribbean the discrimination against people because of their real or apparent sexual orientation and identity or gender expression is so prevalent”, said, IGLHRC.

³ www.isna.org

⁴ Berkins, Lohana and Fernandez, Josefina, comps (2006) La gesta del nombre propio. Report about the situation of the Transvestite community in Argentina. Ediciones Madres de Plaza de Mayo, Buenos Aires. *Human Rights Violations against the Transgender Community*. Report by People’s Union for Civil Liberties, Karnataka, Bangalore, 2003. Whittle, Stephen (2002) *Respect and Equality. Transsexual and Transgender Rights*. Cavendish. Londres. Program for Latin America and the Caribbean, Annual Reports (2003), (2004) and (2005) –www.iglhrc.org., www.attna.org, www.carlaantonelli.com.

⁵ Cap. XI, E/CN.4/2005/L.10/Add.11

Expresión de Género y Derechos Humanos

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La **expresión de género** puede ser definida como **el modo en el que cada ser humano se manifiesta en términos generizados**—es decir, el modo en el que cada cual se expresa a sí mismo o a sí misma en las diversas posibilidades de masculinidad, feminidad, androginia, etc.

A diferencia de la orientación sexual y de la identidad de género, la **expresión de género** es eminentemente social, y constituye una parte fundamental de la manera en la que somos percibidos y percibidas, y de nuestra percepción de los y las demás. Por lo tanto, juega un rol preponderante en las dinámicas sociales—incluyendo, decisivamente, aquellas dinámicas relacionadas con el reforzamiento de estereotipos de género y las violaciones a los derechos humanos.

Identidad y expresión de género

Si bien durante los últimos años se ha introducido progresivamente el concepto de identidad de género en el marco de los derechos humanos, su introducción no es suficiente para cubrir el rango de fenómenos asociados con la **expresión de género**.

El concepto de identidad de género puede ser definido como el sentido interior que cada ser humano posee de sí mismo en términos de género. Tradi-

cionalmente se considera la existencia de solo dos identidades de género posibles—hombre y mujer— las cuales son reconocidas hasta hoy por los Estados y configuran, también, los referentes genéricos considerados habitualmente por los diferentes instrumentos de derechos humanos. Sin embargo, es preciso reconocer la existencia de una gran diversidad de identidades de género posibles, incluyendo, por ejemplo, *travesti, intersex, transgénero, dos espíritus, hijra*, etc.

Quienes que se identifican de un modo **diferente** al que se les dio al nacer deben atravesar por lo general largos procesos psiquiátricos, médicos y jurídicos para acceder al reconocimiento legal de su identidad de género, allí donde este reconocimiento esté legalmente contemplado—y siempre que su nueva identidad se encuentre comprendida en el binomio jurídico-normativo hombre-mujer.

A pesar de la centralidad del concepto de identidad de género para el marco de los derechos humanos, la introducción de dicho concepto es

insuficiente a la hora de incluir todas aquellas violaciones a los derechos humanos basadas, prioritariamente, en el modo en el que los seres humanos **expresan** en términos de género, a través de su vestimenta, ademanes, entonación al hablar, apariencia, etc.

¿Por qué es preciso introducir la expresión de género en el marco de los derechos humanos? ¿Por qué no es suficiente hablar sólo de identidad de género?

- Porque el concepto de **expresión de género** permite traer a la luz una gran variedad de violaciones a los derechos humanos basados en el modo en el que las personas se expresan socialmente en términos de género, cualquiera sea su identidad¹.
- Porque ciertas regulaciones legales, como aquellas que penalizan el uso de ropa del sexo opuesto, o cier-

tas interpretaciones habituales de regulaciones en torno al escándalo público, la prostitución y la vagancia criminalizan efectivamente a aquellas personas cuya **expresión de género** contradice los estereotipos culturales de masculinidad y feminidad,² colocándolas en una posición de vulnerabilidad social e institucional.

- Porque permite visibilizar la violencia desatada a menudo por la conexión necesaria culturalmente establecida entre identidad de género y expresión de género –cuando como, por ejemplo, se castiga a los hombres por conductas “femeninas” o a las mujeres por conductas “masculinas”, o cuando se margina del reconocimiento legal de su identidad de género a aquellas personas trans que no expresan su masculinidad o su feminidad de un modo culturalmente “adecuado”.
- Porque la conexión necesaria culturalmente establecida entre identidad de género y **expresión de género** parece justificar moral y jurídicamente las intervenciones quirúrgicas destinadas a dotar de “identidad” a niñ*s *intersex*, cuando se trata en realidad de intervenciones destinadas a mantener y fortalecer esa misma conexión. Por ejemplo, la práctica habitual de clitoridectomías practicadas en niñ*s *intersex* es relacionada moral y jurídicamente con su asignación al género femenino, cuando en realidad lo que se persigue es alinear el género que su cuerpo expresa con la identidad de género previamente asignada.³
- Porque las violaciones a los derechos humanos que tienen como base la expresión de género de las personas se relacionan intrínsecamente con las desigualdades de género, donde lo femenino es considerado inferior, en tanto que aquellas personas reconocidas legal y socialmente

como mujeres son castigadas incluso con la violación, tortura y muerte si expresan su género de modo masculino. Este castigo se relaciona, pero no necesariamente, con su identidad de género y su orientación sexual

- Porque a diferencia de la identidad de género y de la orientación de género, la **expresión de género** es inocultable. Es posible considerar que muchas violaciones a los derechos humanos relacionados con la identidad de género y o la orientación sexual de las personas tienen su origen en la percepción de formas de la **expresión de género** que contradicen los estereotipos culturales acerca de las manifestaciones sociales de la masculinidad y la feminidad, incluidas las expresiones de afecto y lo que cada ser humano dice de sí mismo.
- Porque ciertas formas de la **expresión de género** no solo conectan en el imaginario social con la marginalidad social, la delincuencia, la prostitución y el consumo y tráfico de drogas, sino que parecen justificar las detenciones arbitrarias y desapariciones forzadas, torturas e incluso ejecuciones⁴.

¿Por qué la expresión de género es una cuestión de libertad de expresión?

- Por su conexión intrínseca con las dimensiones sociales de la personalidad y su lugar en la interacción cotidiana.
- Porque ciertas **expresiones de género** motivan tratos abiertamente discriminatorios, violencias, así como la imposibilidad de acceder a espacios de interlocución, circular por la vía pública, etc, y someten a las personas a humillaciones y tratos

degradantes en sitios tales como hospitales, cruces fronterizos, destacamentos policiales, etc

- Porque la mayor parte de las cirugías compulsivas realizadas en niños y niñas intersex se conectan decisivamente con la capacidad de cada cuerpo humano para expresar con claridad ciertos *standars* de género, de modo que la identidad de la persona sea percibida de modo inequívoco a simple vista. La fijación compulsiva por vía quirúrgica y hormonal de la masculinidad o la feminidad en el cuerpo de las personas constituye una violación clara a su derecho a la libertad de expresión, incluido el derecho a manifestar corporalmente diversas **expresiones de género**.
- Porque para las personas trans el acceso a biotecnologías de modificación corporal –tales como cirugías reconstructivas y terapias hormonales– así como el reconocimiento jurídico de la identidad de género está sujeto a su capacidad de encarnar formas culturalmente estereotipadas de la masculinidad y la feminidad, a riesgo de ser rechazadas como candidatas posibles a la asistencia médica y jurídica.
- Porque en el caso de las personas trans que no desean modificar su cuerpo, son puestas en la encrucijada de tener que decidir entre la falta de reconocimiento legal de su identidad de género y la realización de cirugías de modificación genital y esterilizadoras. Esta situación no sólo amenaza su derecho a expresar corporalmente diversas **expresiones de género**, sino que las fuerza, por razones de supervivencia, a intentar ocultar o distorsionar su **expresión de género**, o a sufrir consecuencias como despidos, hostigamiento, encarcelamiento, tortura e incluso la

muerte si no lo consiguen.

- Porque ciertas **expresiones de género** –en particular, aquellas puestas de manifiesto por travestis, lesbianas masculinas y hombres trans- son sistemáticamente degradadas en los medios de comunicación masivos. La representación mediática de estas expresiones se construye sobre la base del ridículo, el hostigamiento y la crueldad, lo cual incide profunda y negativamente en la capacidad de quienes las encarnan para disfrutarlas y expresarlas con libertad.
- Porque la desvalorización social de ciertas formas de **expresión de género** coharta la libertad de expresión, reduciendo la capacidad cultural para convivir con la diversidad, valorándola, respetándola y celebrándola.
- Tal y como considera la Resolución 2005/38 sobre El derecho a la libertad de opinión y de expresión, “el ejercicio efectivo del derecho a la libertad de opinión y de expresión es un indicador claro del nivel de protección de todos los demás derechos humanos y libertades, teniendo presente que todos los derechos humanos son universales, indivisibles e interdependientes y están relacionados entre sí”.
- Asimismo, y tal como es expresado por dicha Resolución en torno a las “violaciones de los derechos... incluso las ejecuciones extrajudiciales, la detención arbitraria, la tortura, la intimidación, la persecución y el hostigamiento, las amenazas y los actos de violencia y discriminación, incluso basados en el género” son utilizados sistemáticamente para atacar a aquellos y aquellas defensores y defensoras de los derechos humanos cuya expresión de género contradice los estereotipos culturales de masculinidad y feminidad –en particular, a

las activistas travestis.

- En plena consonancia con lo aquí expuesto, dicha Resolución “lamenta que ciertos medios de difusión promuevan imágenes falsas y estereotipos negativos de individuos o grupos vulnerables”⁵.

Es por esto que solicitamos la inclusión el concepto “expresión de género” como causal específico de violaciones a los derechos humanos, así como alentamos el trabajo internacional destinado a la defensa, promoción y celebración de los distintos modos que la expresión de género adopta entre los seres humanos. ■

¹ Por ejemplo, alguien que sea identificad* en la vía pública como contando con una anatomía femenina y una expresión de género masculina puede ser agredid* sin quien o quienes l* agreden sea relevante si se trata de una mujer heterosexual masculina, una lesbiana masculina, un transexual de mujer a varón o una persona intersex. Aquello que mueve la agresión es la violación al estereotipo cultural de la **expresión de género**.

² Por ejemplo, “algunos Códigos de Faltas de Argentina castigan ‘a quien en la vida diaria se vista y haga pasar como persona del sexo contrario, dificultando su identificación, afectando la buena fe pública’, castigando con una multa que va del veinte al sesenta por ciento del sueldo de un agente de seguridad (Código de Faltas de la Provincia de Buenos Aires – No. 8031/73 12 de abril de 1973, Capítulo VII, “Contra la Fe Publica”, Art. 92, inc. “e”), o con arresto de hasta quince días o con multa de hasta mil quinientos pesos (Titulo V del Codigo de Faltas de la Provincia de Mendoza No. 3365 del 25 de noviembre de 25 de noviembre de 1965, art.80). Ferreira, Marcelo (2005) “Situación legal que en América Latina y el Caribe avala la discriminación de las personas por su orientación sexual real o aparente y su identidad o expresión de género”, mimeo, IGLHRC, www.iglhrc.org.

³ www.isna.org.

⁴ Berkins, Lohana y Fernández, Josefina, *comps.* (2006) *La gesta del nombre propio. Informe sobre la situación de la comunidad travesti en la Argentina*. Ediciones Madres de Plaza de Mayo, Buenos Aires. *Human Rights Violations against the Transgender Community*. Report by People’s Union for Civil Liberties, Karnataka, Bangalore, 2003. Whittle, Stephen (2002) *Respect and Equality. Transsexual and Transgender Rights*. Cavendish. Londres. Programa para América Latina y el Caribe, Informes Anuales (2003), (2004) y (2005) –www.iglhrc.org-, www.attta.org, www.carlaantonelli.com.

⁵ Cap. XI, E/CN.4/2005/L.10/Add.11

Transgender People and Violence against Women

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The elimination of all forms of discrimination against women has included, from the beginning, the different ways in which violence based on gender is a central focus that constantly guides international work toward the eradication of discrimination.

Affirming the dynamic character of human rights, the International Gay and Lesbian Human Rights Commission (IGLHRC) affirms the need to broaden the description of “violence against women” to include, in its description and norms, violence against transgender people.

Who are defined as transgender people?

Transgender people are defined as all people who identify themselves as a different gender than the one assigned to them at birth, no matter their transition status, legal status¹ or sexual orientation.² For example, this includes, but is not limited to:

Those people assigned a masculine gender at birth, but who identify themselves to be of the feminine gender, including women, transwomen, male-to-female transsexuals, *ynthias*, and others;

Those people assigned the feminine gender at birth, but who identify with the masculine gender, including transmen, female-to-male transsexuals,

and others.

Violence against Transgender People

In different places of the world and in many different cultural contexts, transgender people suffer violations of their human rights based specifically on social regulations of gender.

Among these violations are, for example, family abuse and expulsion from their homes as children or adolescents; sexual exploitation; forced psychiatric treatment; rape; police harassment; arbitrary detentions; torture; executions. The lack of legal recognition of their gender identity and the social stigma associated with their gender expression expose transgender people to institutional violence because of the gender-segregated facilities of places such as schools, hospitals and jails. Everyday situations—such as walking in the city, going to the doctor, voting, crossing national borders or showing identification documents at request of the authorities—become experiences of humiliation, harassment and violence.³

Transgender people who were assigned male at birth, but who identify

and express their feminine gender, are invariably associated with sexual deviance, sickness, prostitution, drug addiction and delinquency. Their femininity is ridiculed, treated with disrespect and frequently punished.

Transgender people who were assigned women at birth but who identify with the masculine gender, find themselves punished because of the way they express their masculinity. In this way, transmen find themselves in a situation encountered by lesbians (in particular, those whose gender expression is strongly masculine) and by all women whose gender expression does not coincide with the social stereotypes of femininity.

In those countries where the possibility exists to obtain legal recognition of their gender identity, transgender people are required, in general, to have surgeries that modify genital appearance dramatically, as well as eliminate the reproductive capacity of trans people.

During 2005 and until the beginning of 2006, there were recorded accounts of violence against transvestites and trans women similar to the

following:

Nepal: December 31, 2005, a *meti* named Trishala was brutally beaten by a police officer who, during the beating, berated her that people like her should be exterminated. Trishala barely escaped. In January 3, 2006, another *meti*, named Suntali, together with her friends Sweta and Kali, were insulted, brutally beaten by four police officers and threatened with a gun. During the abuse they were described as social dirt that should be cleaned up.⁴

Peru: The *ynthia* Tatiana, a sex worker who had repeatedly reported violence to the police and the media, suffered a beating at the hands of eight members of the “Serenazgo” (City Security of the Metropolitan Area of Lima). The beatings she received in the back of the legs, where she had had silicone, have impeded her mobility. She was chased by the officers of Serenazgo, along with other friends, and beaten with batons. Her perpetrators stole all the money that she had earned that night and her cell phone. They ripped her clothes and left her naked.⁵

Guatemala: Paulina and Sulma, *ynthias*, were detained by four men on motorcycles at an intersection in Zone 1 in Guatemala City. According to witnesses, the attackers wore uniforms and rode police motorcycles that identified them as members of the national police force. The attackers shot twice at the head of Paulina, whom they killed instantly, and shot three times at Sulma, who is recovering from the wounds. Paulina, who used to be a sex worker, worked in the Organization of Support to an Integral Sexuality Against AIDS (OASIS), an organization that dedicates itself to preventing HIV/AIDS and protecting the rights of gay, lesbian, bisexual and transgender people. Sulma is a volunteer in OASIS and a

sex worker. Since the attack, Sulma and other sex workers have reported that they have been the objects of unjustified police surveillance that has made them fear for their lives⁶.

Argentina: On May 30, 2005, two of the highest officials of the Module 1, an inspector and four prison guards, transported Claudia Pia Baudracco, *ynthia* activist and founding member of the Argentine Travesti, Transsexual and Transgender Association (ATTTA) to the gay sector of the Marcos Paz prison, where she was detained, and they forced her to have oral and anal sexual relations with them. At first she tried to resist, but the threat of death forced her to pretend that she was complying.

In the same prison unit, a transgender man of Peruvian nationality who had remained incognito was outed by an anonymous phone call that alerted the precinct. After exhaustive medical reviews, he was transported and confined to the penal sector of the Moyano psychiatric hospital for women. Due to the “confusion” with regard to his gender identity, he was detained in different isolation cells. The only motive for his isolation and for his admittance into a psychiatric ward was his identification with the male gender.⁷

Portugal: Gisberta, a homeless transsexual Brazilian immigrant sex worker who was HIV positive, was found dead on February 22, 2006, at the bottom of a well, in 10 feet of water in a building under construction in the city of Porto. A group of 14 male juveniles between the ages of 10 and 16 admitted to the crime. Before the murder, Gisberta was very weak, and had been chased by these individuals, who had insulted and harassed her. On February 19, the group came into the building where Gisberta slept. They attacked, threatened and beat her with

extreme violence, kicking and hitting her with sticks and rocks. They forced sticks in her anus before abandoning her at the location. The body also had cigarette burns. On the 20th and 21st of February, the group came back to the building and continued the violence. On the morning of February 22, they dumped the body of Gisberta into the well, attempting to cover up the crime. According to the initial forensic findings, Gisberta was alive at the time that she was thrown in the well and died from drowning.⁸

Why is it necessary to consider violence against transgender people in the context of violence against women?

Just like violence against women, the violence against transgender people is based in the identification of femininity with inferiority, inequality and the perpetuation of values associated with femininity, such as submission and obedience.

In the case of those transgender people who identify themselves and express themselves in the feminine gender, their femininity bears the burden of a profound social stigma, often punished with death for defying gender norms.

In case of those transgender people who identify with the masculine gender—who were assigned female at birth—the violence has, most of the time, an openly punitive character, where what is punished is the contradiction of cultural rules concerning the body, the gender expression, and the sexuality of women.

It is necessary to consider violence against transgender people in the context of violence against women because transgender people who identify with the masculine gender share anatomical

traits with women, they are vulnerable to rape and forced pregnancies.

It is necessary because the requirements of the state at the time of recognizing the name change and gender of the trans person constitute institutional violence intended to reinforce cultural stereotypes in terms of the body, gender expression and sexuality.

It is necessary because trans people are excluded from services focused on sexual and reproductive health, and the prevention of domestic violence.

It is necessary because, in excluding trans people who fully identify themselves as women from the treatment of violence against women, their rights of personal identity, as well as the specific kinds of violence with which they are confronted, both as women and as trans people, remain unrecognized.

It is necessary because separating women from trans people who identify themselves with the feminine gender reinforces cultural stereotypes about the bodies, gender expressions, and sexuality of women.

Through inclusion, we recognize those forms of violence directed not only towards those who identify themselves as women, whatever the designation was at birth and whatever their body morphology, but also directed toward all those who contradict cultural stereotypes about femininity.

Article 5, Inc. a) of the Convention for the Elimination of All Forms of Discrimination Against Women says that all states will take the measures necessary to “modify the socio-cultural patterns of conduct of men and women with the goal of eliminating prejudices and deliberate practices that are based the idea of the inferiority or superiority of any of the sexes or the stereotypical functions of men and women”.

Additionally, Resolution 2005/41 concerns itself with the elimination of violence against women. It

includes acts of sexist violence that have or could have as a result physical, sexual or psychological suffering for women, the threats of such acts, coercion, or arbitrary curtailment of liberty, both in private and public life; it emphasizes that all forms of violence against women occur in the context of *de jure* and *de facto* discrimination against women and the inferior status assigned to women in society, and is further exacerbated by the obstacles facing women when they try to obtain redress from the state. The Resolution also mandates the “examination of the effects of stereotypes about the sexes

that contribute the persistence of violence against women, including young women.”⁹

For this reason we ask the special representative that violence against women include, in its scope, reference to violence against transgender people in terms of those who are persecuted and punished for defying or contradicting cultural stereotypes of femininity and masculinity and who live and die in a cultural context in which the feminine is regarded as inferior, unequal and worthless, regardless of the kind of body in which it is present. ■

¹ Se denomina *transición* al proceso a través del cual una persona trans adopta características del género en el que se identifica, a través de modificaciones corporales hormonales y/o quirúrgicas. La finalización de este proceso es exigida por la mayor parte de los Estados para conferir el reconocimiento legal de la identidad de género de las personas trans, e involucra la constatación tanto de la semejanza morfológica como de la esterilidad. No todas las personas trans precisan de tales modificaciones corporales, y el recorrido *transicional* de cada persona debe ser contemplado desde la perspectiva de su autonomía decisional, así como del respeto por cada modo individual de expresar la masculinidad o la femineidad. Es por eso que, si bien el acceso a tecnologías de modificación corporal debe estar asegurado para todas aquellas personas trans que los requieran, ningún Estado debe exigir modificaciones corporales para reasignar legalmente el género de las personas trans.

² El acceso a tecnologías de modificación corporal, así como al reconocimiento legal de la identidad de género suele estar reservado a aquellas personas trans que pueden probar fehacientemente su heterosexualidad —es decir, que mantienen relaciones afectivas y/o sexuales con personas del género opuesto.

³ Berkins, Lohana y Fernandez, Josefina, *comps.* (2006) *La Gesta del nombre propio. Informe sobre la situación de la comunidad travesti en Argentina.*, Ediciones Madres de Plaza de Mayo, Buenos Aires. Whittle, Stephen (2002) *Equality and Respect. Transgender and Transsexual Rights.* Cavendish, Londres. *Human Rights Violations against the Transgender Community.* Report by People’s Union for Civil Liberties, Karnataka, Bangalore, 2003. Programa para América Latina y el Caribe (IGLHRC), Informes Anuales (2003), (2004) y (2005).

⁴ www.bds.org

⁵ www.iglhrc.org

⁶ www.hrw.org

⁷ www.attta.org

⁸ <http://www.portugalgay.pt/political/portugalgay71a.asp>; www.panterasrosa.com; <http://www.publico.clix.pt/shownews.asp?id=1250280&sid=7409>

⁹ E/CN.4/2005/L.10/Add.12

Transgeneridad y Violencia contra las Mujeres

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La eliminación de todas las formas de discriminación contra las mujeres ha incluido, desde un principio, los distintos modos que adopta la violencia de género como un eje central, impulsando constantemente el trabajo internacional en pos de su erradicación.

Afirmando el carácter dinámico de los derechos humanos, la Comisión Internacional para los Derechos Humanos de Gays y Lesbianas (IGLHRC) sostiene la necesidad de ampliar el sentido de la expresión “violencia contra las mujeres” a fin de que esta incluya, en sus alcances descriptivo y normativo, la violencia ejercida contra las personas trans.

¿A quiénes se denomina como personas trans?

Se denomina de este modo a todas aquellas personas que se identifican a sí mismas en un género **diferente** a aquel que se les asignara legalmente al nacer, cualquiera sea su *status* transicional, legal²⁰, o su orientación sexual²¹. Por ejemplo (pero no exclusivamente),

Aquellas personas que fueran asignadas al género masculino al nacer, pero que se identifican a sí mismas en el género femenino –como mujeres, mujeres trans, transexuales de varón a mujer, travestis, etc.

Aquellas personas que fueran asignadas al género femenino al nacer, pero que se identifican a sí mismas en

el género masculino –como hombres trans, transexuales de mujer a varón, etc –cualquiera sea su *status* transicional, su *status* legal y su orientación sexual.

La violencia contra las personas trans

En diferentes lugares del mundo y en muy distintos contextos culturales, las personas trans sufren violaciones a los derechos humanos basadas, centralmente, en las regulaciones sociales del género.

Entre estas violaciones se cuentan, por ejemplo, experiencias de maltrato familiar y expulsión del hogar en la niñez o adolescencia; explotación sexual; tratamientos psiquiátricos forzados; violaciones; hostigamiento policial; detenciones arbitrarias; tortura; ejecuciones. La falta de reconocimiento legal de su identidad de género, y el estigma social asociado a su expresión de género somete a las personas trans a formas de violencia institucional, sobre la base de la segregación de género sostenida en instituciones tales como escuelas, hospitales y cárceles. Situaciones cotidianas –tales como el caminar por la ciudad, ir al médico o a votar, cruzar fronteras

nacionales o mostrar el documento de identidad a pedido de la autoridad se convierten en experiencias de humillación, hostigamiento y violencia.²²

Aquellas personas trans que fueron asignadas como hombres al nacer, pero quienes se identifican a sí mismas y se expresan en el género femenino son asociadas invariablemente a la desviación sexual, la enfermedad, la prostitución, la drogadicción y la delincuencia. Su feminidad es ridiculizada, despreciada y fuertemente castigada.

Aquellas personas trans que fueron asignadas como mujeres al nacer, pero quienes se identifican a sí mismas en el género masculino, se encuentran en la situación de ser percibidos como, y de ser castigadas por el modo en el que expresan su masculinidad. En este sentido, los hombres trans se encuentran en una situación similar al enfrentado por las lesbianas (en particular aquellas cuya expresión de género es fuertemente masculina) y todas aquellas mujeres cuya expresión de género no coincide con los estereotipos sociales de la feminidad.

En aquellos países donde existe la posibilidad de acceder al reconocimiento jurídico de la identidad de género, se

exigen por lo general cirugías destinadas a modificar tanto la morfología genital como a eliminar la capacidad reproductiva de las personas trans.

Durante el año 2005 y hasta comienzos del 2006 se registraron hechos de violencia contra travestis y mujeres trans como los siguientes:

Nepal: el 31 de diciembre de 2005, una *meti* llamada Trishala fue brutalmente golpeada por un oficial de policía, quien no dejó de repetirle que las personas como ella debían ser exterminadas. Trishala apenas consiguió escapar. El 3 de enero del 2006, otra *meti*, llamada Suntali, junto con sus amigas Sweta y Kali, fueron insultadas, brutalmente golpeadas por cuatro oficiales de policías, y amenazadas con un arma, mientras eran acusadas de ser una mugre social que debía ser limpiada.²³

Peru: la travesti Tatiana, trabajadora sexual quien ha denunciado repetidamente ante la justicia y los medios de comunicación las agresiones, sufrió una golpiza a manos de ocho efectivos del “Serenazgo” (Dirección de Seguridad Ciudadana de Lima Metropolitana). Los golpes, aplicados en la zona posterior de los muslos, donde tiene aplicaciones de siliconas, han determinado su movilidad impedida. Fue perseguida, junto con otras compañeras, por oficiales del Serenazgo. Le robaron todo el dinero que había logrado ganar esa noche, su teléfono celular, le destruyeron la ropa que vestía y la dejaron desnuda. Fue golpeada con bastones.²⁴

Guatemala: Paulina y Sulma, travestis fueron detenidas por cuatro hombres en motocicletas en un cruce de la Zona 1 de Ciudad de Guatemala. Según los testigos oculares, los atacantes llevaban uniformes y motocicletas de la policía que los delataban como miembros de la Policía Nacional. Los asaltantes dispararon dos veces a la cabeza de Paulina, a quien mataron inmediata-

mente, y dispararon tres veces contra Sulma, que está recuperándose de las heridas. Paulina, antigua trabajadora sexual, trabajaba en la Organización de Apoyo a una Sexualidad Integral frente al SIDA (OASIS), una organización no gubernamental que se dedica a prevenir el VIH/SIDA y proteger los derechos de personas gays, lesbianas, bisexuales y transgénero (GLBT). Sulma es voluntaria en OASIS y trabajadora sexual. Desde el ataque, Sulma y otras trabajadoras sexuales transgénero han denunciado que están siendo objeto de una vigilancia policial injustificada, que les ha hecho temer por sus vidas²⁵.

Argentina: el 30 de mayo de 2005 dos de los jefes más altos del Módulo 1, un inspector y cuatro celadores, trasladaron a Claudia Pía Baudracco, activista travesti y miembro fundadora de la Asociación Travestis, Transexuales y Transgeneros Argentinas (ATTTA) al sector de peluquería del penal de Marcos Paz, donde se encontraba detenida, y la obligaron a mantener relaciones por vía oral y anal. Primero intentó resistir, pero las amenazas de muerte la obligaron a fingir que estaba de acuerdo.

En la misma unidad penal, un hombre trans de nacionalidad peruana, quien había permanecido de incógnito, fue descubierto por una llamada anónima que alertó a la Procaduría. Luego de exhaustivas revisiones médicas, fue trasladado y confinado en el sector penal del hospital psiquiátrico Moyano, de mujeres. Debido a las “confusiones” respecto de su identidad de género, el detenido fue mantenido en diferentes celdas de aislamiento. El único motivo para su aislamiento, y para su internación en un psiquiátrico fue su identificación en el género masculino.²⁶

Portugal: Gisberta, inmigrante brasileña transexual, seropositiva, trabajadora sexual y sin hogar fue encontrada sin vida el 22 de febrero

en el fondo de un pozo de diez metros de profundidad lleno de agua en un edificio en construcción en la ciudad Porto. Un grupo de 14 jóvenes del sexo masculino, cuyas edades oscilan entre los 10 y los 16 años, admitió el crimen. Antes del asesinato, Gisberta estaba muy débil, y había sido perseguida por estos jóvenes, quienes la insultaban y agredían. El 19 de febrero, el grupo penetró el edificio donde dormía Gisberta. La ataron, la amordazaron, y la agredieron con extrema violencia, dándole puntapiés, y golpeándola con palos y piedras e introdujeron palos su ano, antes abandonarla en el local. El cuerpo presentaba también marcas de quemaduras con cigarrillos. El 20 y 21 de Febrero, el grupo regresó al edificio dando continuación a las agresiones. En la madrugada del 22 de febrero, lanzaron finalmente el cuerpo de Gisberta al pozo, intentando ocultar el crimen. Según las primeras impresiones forenses, Gisberta se encontraba con vida al ser arrojada, y habría muerto por ahogamiento.²⁷

¿Por qué es necesario considerar la violencia contra las personas trans a la luz de la violencia contra las mujeres?

Porque tal y como ocurre con la violencia contra las mujeres, la violencia contra las personas trans se basa en la identificación de la feminidad con la inferioridad y la desigualdad, y la perpetuación de valores asociados con la feminidad, tales como la sumisión y la obediencia.

En el caso de aquellas personas trans que se identifican y se expresan en el género femenino, su feminidad las convierte en portadoras de un profundo estigma social, castigándose a menudo con la muerte su desafío a las normas del género.

En el caso de aquellas personas trans que se identifican en el género masculino –habiendo asignadas al género femenino al nacer– la violencia tiene la mayor parte de las veces un carácter abiertamente punitivo, donde lo que se castiga es la contradicción de los mandatos culturalmente establecidos acerca del cuerpo, la expresión de género y la sexualidad de las mujeres.

Porque aquellas personas trans que se identifican en el género masculino comparten rasgos anatómicos con las mujeres, los cuales vuelven vulnerables a estas personas frente a violaciones y embarazos forzados.

Porque las exigencias de los Estados a la hora de reconocer el cambio de nombre y género de las personas trans constituye forma de violencia institucional, destinada a reforzar estereotipos culturales en torno al cuerpo, la expresión de género y la sexualidad.

Porque las personas trans están excluidas de servicios especializados destinados a la salud sexual y reproductiva, la prevención de la violencia doméstica.

Porque al excluirse del tratamiento de la violencia contra las mujeres a aquellas personas trans que efectivamente se identifican a sí mismas como mujeres, se desconoce su derecho a la identidad personal, así como las formas específicas de violencia a las que se encuentran sometidas en su doble carácter de mujeres y personas trans.

Porque la escisión entre mujeres y personas trans que se identifican en el género femenino refuerza estereotipos culturales en torno al cuerpo, la expresión de género y la sexualidad de las mujeres.

Al incluirse, se incluyen aquellas formas de violencia dirigida no solamente hacia quienes se identifican a sí mismas como mujeres, cualquiera haya sido su asignación de género al nacer, y cualquiera sea su morfología corporal, sino hacia todas y todos aquellos que

de algún modo contradicen los estereotipos culturales sobre lo femenino.

El artículo 5, inc. A) de la Convención para la Eliminación de Todas las Formas de Discriminación contra la Mujer señala que los Estados Partes tomarán todas las medidas apropiadas para “modificar los patrones socio-culturales de conducta de hombres y mujeres, con miras a alcanzar la eliminación de los prejuicios y las prácticas consuetudinarias y de cualquier otra índole que estén basados en la idea de la inferioridad o superioridad de cualquiera de los sexos o en funciones estereotipadas de hombres y mujeres”.

En tanto, La Resolución 2005/41 sobre la Eliminación de la violencia contra la mujer “reafirma que por “violencia contra la mujer” se entiende todo acto de violencia sexista que tenga o pueda tener como resultado un daño o un sufrimiento físico, sexual o psicológico para la mujer, así como las amenazas de tales actos, la coacción o la privación arbitraria de la libertad, tanto si se producen en la vida pública como en la vida privada; *destaca* que

todas las formas de violencia contra la mujer tienen lugar en el contexto de la discriminación *de jure* y *de facto* contra la mujer y de la condición inferior asignada a la mujer en la sociedad, y se ven exacerbadas por los obstáculos con que suelen enfrentarse las mujeres al tratar de obtener una reparación del Estado”, así como demanda a los Estados que “examinen los efectos de los estereotipos sobre los sexos que contribuyen a la persistencia de la violencia contra la mujer y la niña”.²⁸

Es por eso que solicitamos a la Relatora Especial sobre Violencia contra la Mujer la inclusión de la violencia contra las personas trans en su abordaje de la violencia contra las mujeres, en tanto aquellas son perseguidas y castigadas por desafiar o contradecir los estereotipos culturales de la feminidad y la masculinidad, y por vivir y morir en un contexto cultural signado por la conjugación de lo femenino como inferior, desigual y despreciable, cualquiera sea la corporalidad que lo encarne. ■

¹ Se denomina *transición* al proceso a través del cual una persona trans adopta características del género en el que se identifica, a través de modificaciones corporales hormonales y/o quirúrgicas. La finalización de este proceso es exigida por la mayor parte de los Estados para conferir el reconocimiento legal de la identidad de género de las personas trans, e involucra la constatación tanto de la semejanza morfológica como de la esterilidad. No todas las personas trans precisan de tales modificaciones corporales, y el recorrido *transicional* de cada persona debe ser contemplado desde la perspectiva de su autonomía decisional, así como del respeto por cada modo individual de expresar la masculinidad o la feminidad. Es por eso que, si bien el acceso a tecnologías de modificación corporal debe estar asegurado para todas aquellas personas trans que los requieran, ningún Estado debe exigir modificaciones corporales para reasignar legalmente el género de las personas trans.

² El acceso a tecnologías de modificación corporal, así como al reconocimiento legal de la identidad de género suele estar reservado a aquellas personas trans que pueden probar fehacientemente su heterosexualidad –es decir, que mantienen relaciones afectivas y/o sexuales con personas del género opuesto.

³ Berkins, Lohana y Fernandez, Josefina, *comps.* (2006) *La Gesta del nombre propio. Informe sobre la situación de la comunidad travesti en Argentina.*, Ediciones Madres de Plaza de Mayo, Buenos Aires. Whittle, Stephen (2002) *Equality and Respect. Transgender and Transsexual Rights.* Cavendish, Londres. *Human Rights Violations against the Transgender Community.* Report by People’s Union for Civil Liberties, Karnataka, Bangalore, 2003. Programa para América Latina y el Caribe (IGLHRC), Informes Anuales (2003), (2004) y (2005).

⁴ www.bds.org

⁵ www.iglhrc.org

⁶ www.hrw.org

⁷ www.attta.org

⁸ <http://www.portugalgay.pt/political/portugalgay71a.asp>; www.panterasrosa.com; <http://www.publico.clix.pt/shownews.asp?id=1250280&csid=7409>

⁹ E/CN.4/2005/L.10/Add.12

The Situation of Transgender People in Latin America from RED_LACTRANS and the Argentine Transgender, Transvestite and Transsexual Association (ATTTA)

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The Trans Politics, Social Change and Justice Conference that took place in New York City gave me the opportunity to expose the reality of the transgender community in Argentina and break down myths; review the history of trans activism, its accomplishments and challenges; build new networks; and discuss being in exile as an activist and founder of ATTTA.

Being able to share experiences with trans activists from different countries was an incredible opportunity and unforgettable experience. There we strengthened RED_LACTRANS with hopes to accomplish a similar experience in Latin America and the Caribbean. Transgender, transvestite and transexual people (hereafter referred to as *trans*) are one of the most vulnerable sexual minorities from a lot of different points of view: exposed to physical violence, excluded and socially marginalized with few or no possibilities of socioeconomic progress, and unable to exercise our rights. A large number of the trans people in Latin America and the Caribbean take part in sex work. The situation for low-income trans people is one of extreme vulnerability to police violence and other types of social violence and of governmental indifference. HIV/AIDS constitutes another major risk that they face, *one*

that is sometimes perceived as less urgent to address than the transmission of HIV/AIDS to and by trans people.

Latin America is hell for trans people.

Brutally Tortured

In Argentina, Vanesa Ledesma was murdered on February 16, 2000, at a police precinct after being brutally tortured. This girl is one of the six most symbolic cases in the world for Amnesty International. In Argentina, transsexuals have been detained for three months straight in precinct jails, half naked and basically without any food. We encounter severe torture against the trans community every day by the authorities. We live in a country where the situation rapidly gets worse every moment for this sector of society.

In Guatemala, 6 to 10 transsexuals are murdered each year. One of them,

Beberly, very well known in Argentina for her fight against AIDS, was killed by multiple gunshots fired by someone in a passing vehicle. Another girl, Linett, was beaten with a metal pipe while she tried to defend herself from her killers until her death. It looks like all eyes are on the paramilitary forces. But it does not end there, because the police harass them constantly, mugging and even raping them. The trans community feels powerless when it is impossible to denounce these incidents because of the death threats they receive. Also the authorities threaten and harass the principle organizations of this country, as in the case of OASIS (Organización de Apoyo a una Sexualidad Integra Frente al Sida), LESBIRADAS (Collective of Lesbian and Bisexual Liberadas) and CATS (Transvestite Friend Collective).

In Venezuela, on July 28 2000, a transsexual woman, Dayna Nieves, was

shot to death by a police officer. She was barely 18 years of age. She spent all night in her apartment in agony from severe bullet wounds and, the next morning, the same officer killed her with another gunshot. This murder ended the life of a young person who had her whole life ahead of her. This murder has been hidden by the governor of Carabobo, Enrique Salas Feo, who has been reported to the Inter-American Commission. In this country, transsexuals who practice prostitution are detained for long periods of time and are targets of harassment and violence.

Mexico doesn't fall short of this kind of violence, either. There trans people are detained and face extortion, leading to physical and psychological abuse. They are also raped and robbed by the police. On many occasions they are abandoned in the outskirts of the city completely naked so that they are forced to return in humiliation. All of those cruel incidents are reported, but they only receive promises of a solution, which are never fulfilled.

There are organizations like Claro Oscuro Gay that are involved in equal rights for the LGBT community in this country. At the same time, there are other organizations against AIDS. But these are also groups that are insulted by radio hosts that want to close down their center and silence any attempt at free expression.

In Chile, the mayor of Santiago, Joaquín Lavín, has openly declared war on all transsexuals that engage in prostitution. The newspapers openly allow the publication of transphobic language in the front pages. One example is an incident reported by a known transsexual woman in the country, Andrea Benki.

At the same time, in Ecuador, a lot of trans people are detained arbitrarily for more than 20 days. Their arrests do not end there; they are pressured to get tested for HIV, violating their constitutional rights, rights that seem to be non-existent even though they have been legally established. Intolerant groups threaten to kill the trans community, whom they call "human shit," and justify their actions by saying that they are doing a social cleansing.

In El Salvador, trans people are murdered indiscriminately by paramilitaries. Many years ago, seven transsexuals lost their lives in the hands of these mindless individuals.

In Peru, all the gay and trans organizations are threatened with death repeatedly and constantly.

In Honduras, the police chase the LGBT community at night, because they are considered a threat to tourism in the country.

However, one important exception is the attitude in Uruguay: there is now a legal project allowing, among their retirees, transsexuals who have practiced prostitution. It is, perhaps, one of the few oases for trans people in the arid desert of Latin America.

What use are the Declaration of Human Rights and the constitutions that talk about the freedom of expression of the person? There are only a few victories to speak of, and those were won years ago. In addition to all of the losses that have been experienced by the trans community because they have been separated from the inherent rights of the person, they also have to beg and fight against authorities that do not allow them to be who they are. Diversity, including trans people, is the worst fear of the small-minded. ■

Documenting Change: Strategies for De-Medicalizing Trans Identity

DEAN SPADE
SYLVIA RIVERA LAW PROJECT

Working at the Sylvia Rivera Law Project for the last four years, I have had the opportunity to see up close how government bureaucracies use conflicting, inaccurate and unfair definitions of gender that deeply harm people with non-traditional gender identities. The injustice we face at the hands of government agencies and bureaucracies that use unfair standards to assess our identities is outrageous. Because of these unfair rules and policies, many trans people cannot access identity documents like drivers licenses, social security cards, public benefits cards, passports, immigration documents or birth certificates that accurately represent their current gender. This can create enormous barriers to employment and education, make people exceptionally vulnerable to discrimination and police harassment, and prevent people from being able to access sex-segregated facilities and services (shelters, group homes, drug treatment programs, bathrooms) in their current gender.

State gender coercion disproportionately affects poor people, people of color, people who don't pass, people without educational privilege, people without health care and immigrants. SRLP works with clients facing coercive gender norms in the policies and practices that the government applies to low-income people, and aims to build analysis and strategies to resist and undo these coercive mechanisms.

There are a few different threads that seem to run through all of the battles we have been fighting, whether those battles are about drivers licenses or name changes or Medicaid or juvenile justice facilities. All of these threads are about the authenticity of trans identities, and all are based on the idea that the state should determine people's gender identities using binary gender as their standard. Examining these central discriminatory themes,

these myths and misunderstandings about trans identity, can help us craft resistance.

Myth: Birth-Assigned Gender Is What Matters

A primary premise running through policies that endanger trans people is the belief that no matter what a trans person says or does or how we understand ourselves or act, we are male if we were identified as male at birth, female if we were identified as female at birth. Policies, laws and practices that rely on birth sex to measure gender endanger trans people in sex-segregated facilities. You can see it in prisons, juvenile justice facilities, foster care group homes and homeless shelters when they place trans women in men's facilities and trans men in

women's facilities and gender non-conforming people in whatever facility matches their birth gender. You can also see it when facilities that are gender-based, like women's drug treatment facilities or domestic violence shelters, refuse to admit trans women. Their logic is often that other women will be triggered or made uncomfortable by trans women.

This is what is called the "bigot's veto" in the law—a policy that allows the misunderstandings or biases of a general population in an institution to excuse the exclusion of a person with a characteristic that marks them as different. By shaping policy around the presumed biases or beliefs of the women in these facilities, administrators and other bureaucrats are verifying those biases or beliefs and saying that

yes, trans women are not really women and do not deserve access to women's services.

Myth: Gender-Confirming Health Care for Trans People Is Not Medically Necessary

Another theme running throughout the policies we are working to change is the idea that gender-confirming health care for trans people is not legitimate health care. I specifically use the term "gender-confirming health care for trans people" here because most of the policies that exclude this care provide the exact same procedures for non-trans people to confirm their birth gender identities. Sometimes it is cast as "experimental" or "cosmetic." Sometimes it is available partially, with extra regulation and arbitrary rules governing its availability, in a way that suggests that this kind of care should be discouraged. Other times it is framed as something that may be legitimate for some people, but that people under a certain age are incapable of making decisions regarding this care.

Examples abound. Many states have explicit exclusions of gender-confirming health care for trans people under their Medicaid plans. So, even though they provide the same procedures and medications for other conditions, if your reason for needing a particular drug or surgery involves trans identity, the care is excluded. Federal law prohibits "diagnosis discrimination" by state Medicaid programs: they aren't supposed to be able to choose to give care to people with certain conditions and refuse care to people with other conditions just because some medical diagnoses are associated with politically unpopular groups—but nonetheless most states do just that in this case.

Prisons are the same way. Many state correctional systems provide no

trans care at all, but several have a stranger rule. Several states have written policies that will allow a person to access hormones in prison only if they can show that they were receiving hormones with a prescription from a doctor before they were locked up. This is certainly the only condition I know of that you can get health care for only if you can prove you already had health care for it. Granted, prison health care is atrocious for every prisoner, but the oddness of this policy illustrates the belief that this care is somehow not real health care meeting a real need.

This thinking is also reflected in the majority of juvenile justice and foster care systems that still deny trans youth in their custody access to hormones or any other gender-confirming care, forcing folks to get their care in informal and criminalized economies. You can also see this thinking reflected in the policies of our "community" clinics which refuse to give trans health care to people under 18 because they don't think that young people have the capacity to know their own gender. This sets up a situation where young trans and gender non-conforming folks who want hormones end up locked up from trying to get these medications on the street and trying to raise money to buy them on the street, or get HIV from using unsafe injection methods when buying on the street. These clinics see themselves as "saving" young people from making a mistake about their genders, but only further endanger them through their neglect and transphobia.

Myth: Trans People's Identities Should Be Evaluated by Doctors Based on What Health Care We Have Undergone

A final thread I'll mention that runs through many of these policies is

the notion that gender realness should be verified by medical doctors. The most blatant examples of this are the myriad institutions that will only recognize a trans person's gender identity if we can prove we've undergone surgery, usually genital surgery. The Social Security Administration, the people who issue Passports, the Departments of Health who issue Birth Certificates, and many DMV's will only allow a person to change their gender on record if they can show they've had genital surgery. Of course, most trans people will never undergo those procedures, either because they do not want to or cannot afford it, but will have to live day in and day out with an ID that does not match their gender identity or expression. The irony of these policies is that they were usually made by people who knew nothing about trans health care, and you can see that in their inconsistencies.

For example, right now, if you were born in New York City, you can only change your birth certificate if you can prove you've had vaginoplasty or phalloplasty. However, if your neighbor who was born just over the city line in New York State's area of authority wants to change his birth certificate, he will have to provide that he's had penectomy or hysterectomy and mastectomy. The bureaucrats who came up with their policy in the city wanted to see people with penises and vaginas to prove they'd become REAL MEN or REAL WOMEN. The bureaucrats up in Albany wanted to see people who had had their most-gendered body parts (in the eyes of those bureaucrats) removed. From a "layperson's" perspective, or more accurately, from the perspective of a genital-obsessed, binary-gender-loving transphobe, both arguments make a lot of sense.

From what I have seen working at SRLP over the past four years, where we've provided legal help to over 800

trans, intersex, and gender non-conforming people, *the tangled bureaucratic web that the state and the social services it pays for spin around gender is killing trans people, especially poor trans people*. The contradictions don't seem to matter to the state. Sure, they refuse to recognize the legitimacy of trans health care for Medicaid purposes, but then require it for ID purposes. Sure, they punish you for not having medical authorization to be yourself, but then refuse to see that medical authorization as legitimate when you need help paying for the care. Yes, being trans is real enough to get you falsely arrested and beaten, raped or killed in a prison, but not real enough to get you access to a domestic violence shelter, a drug treatment program that provides an alternative to incarceration or a homeless shelter that recognizes your gender.

We need to do more than hope that an anti-discrimination law passes in our state. We need to look at where binary gender is being required and enforced in the administrative institutions in our states and cities, and take local action to weed it out. How are trans people faring, not just in your school or office, but in the shelter in your town? In the jail down the street? In the prison out in the country? If we examine how the most highly regulated and surveilled people are doing—immigrants, folks on welfare, people who are locked up, youth, people living in communities overexposed to the police—we will see where gender regulation and coercion is operating most sharply and we can form shared analysis and coalitional activism to undermine those operations. ■

Locked Out: Transgender & Gender Variant People and the Prison Industrial Complex

ALEXANDER LEE

TRANS/GENDER VARIANT IN PRISON COMMITTEE

“Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”

–13th Amendment of the U.S. Constitution

The Prison Industrial Complex (PIC) is the state-supported confluence of private corporate interests, political grandstanding and systemic oppression—it is pain made profitable. Its existence today on the North American continent (and increasingly abroad as America's neo-imperialist tentacles sprawl outward) is the culmination of 500 years of white supremacy, classism/capitalism, male supremacy and ableism, among others forms of colonial oppression. The PIC is both a microcosm of the systemic injustices that plague our society, and a magnification of them. It is a landscape that not only thrives on divisiveness, hierarchy and domination, but also exists as the antithesis of self-determination.

It is no accident that the same constitutional amendment that abolished the chattel slavery of African Americans preserved prison slavery indefinitely in the United States. And as colored bodies increasingly become the property of the state in prison, prisons look

more and more like the plantations of antebellum America. Just as with institutionalized slavery, prisoners' labor and the resources needed to warehouse them, support entire local economies, while slaves/prisoners themselves are robbed of the right to control their own labor and participate fully in the society they are making. Now, just as then, slaves/prisoners are profitable financially to the elite white owning class as a vast pool of super-subordinated and seemingly unending cheap labor. They are also profitable socially when cast as a teeming mass of dark, restless, “uncivilized” bodies—useful foils for politicians and law enforcement who cast themselves as the heroic knights protecting us from these shadow-puppet dragons of their own creation.

Regional empirical surveys and anecdotal evidence suggest that transgender and gender variant people (and especially trans and gender variant people of color) are grossly overrepresented in our nation's

prisons and jails. In San Francisco, with a population of over 20,000 transgender people, we estimate that close to 1 in 2 transgender people have been in prison or jail. These rates of imprisonment are actually not surprising—with astronomically high poverty and unemployment rates, most transgender and gender variant people have had to resort to “survival crime” just to put food on the table. Furthermore, some of the most extreme incidents of transphobic hate violence and harassment occur within prison walls—abuse that is implicitly sanctioned or explicitly committed by state and federal governments.

Trans and gender variant people imprisoned in the PIC are denied all forms of self-determination on the basis of identity and expression. Legal name and gender marker changes are voided, physical genitalia are controlled, transition-related health care is non-existent in most jurisdictions, and physical, sexual and psychological torture is the norm. While other prisoners are frequently the source of abuse and harassment, the culture of the PIC and the staff that perpetuates it are at fault. Prison administrators have many tools to keep overcrowded prisons under control. They manipulate and heighten tensions among racial groups by pitting racial gangs against each other, and by reinforcing rigid gender roles that effectively place transgender and gender variant people at the bottom of prison social hierarchies. Just as in the “free world,” when oppressed people compete with each other in a mad scramble for survival, they have little capacity to focus on the source of their shared oppression.

As most transgender and gender variant people in prison are eventually released, they return to communities so incapacitated by discrimination that they are unable to access social and health care services needed to heal from these traumatic experiences, and to find legal

means to generate income—thereby setting the stage for the revolving door of imprisonment and the street. The PIC is a plague upon our communities, and its destructive role in all our lives must be addressed if we are ever to reach full liberation.

What strategies can we use to both ameliorate the day-to-day abuse and harassment transgender and gender variant people experience, while also challenging the roots of the PIC? We at the Trans/Gender Variant in Prison Committee (TIP) believe that the solution is to empower transgender and gender variant prisoners themselves to strategize and mobilize to transform society so that the PIC can be dismantled. Campaign work that targets the symptoms of the PIC, such as abuse and sexual harassment in prison, is a process that empowers those most affected by this issue. This empowerment directly challenges the layers of systemic oppressions that have greatly degraded the right to self-determination of transgender and gender variant people, people of color, poor folks, disabled people and women.

TIP is a collective of transgender, gender variant people and our allies organizing to support transgender and gender variant prisoners, and to nurture and protect their leadership development in the fight to abolish the Prison Industrial Complex. At the center of our work are the experiences and wisdom of current and former transgender and gender variant prisoners. We use art, media campaigns, skills-sharing and solidarity-building work to help prisoners organize among themselves across deep racial, class and gender lines, and collaborate with us as “free world” allies to improve conditions for current prisoners. By using our existing resources as folks on the outside, we also can protect our partners in prison by drawing attention to institutional retaliation when they speak out.

However, centralizing and building the leadership development of transgender and gender variant people in prison and former prisoners is not enough alone to dismantle the PIC. As children of a society sick with systemic oppression, we must make sure our solutions do not spread the sickness. Thus we cannot create solutions that serve to further feed the divisional and adversarial work that the PIC perpetuates. Our efforts are aimed at dismantling the real oppressors, such as the PIC, the gender binary system and capitalist-based assumptions that people can be made accountable for their actions only through domination and punishment. We must also maintain a commitment to heal from systemic oppression within ourselves and our own organizations. We cannot achieve an end to the PIC unless we consistently engage in anti-oppression work ourselves. Audre Lorde wrote that “the master’s tools will never dismantle the master’s house.” Actively and consistently engaging in internal anti-oppressive self-love and healing is the only way to reforge the master’s tools into our own, so we can build a world where everyone is equally empowered and respected regardless of race, class, age, gender identity, sexual orientation, dis/ability and other markers of diversity.

About the TIP Committee

The Trans/Gender Variant in Prison Committee’s mission is to end the discrimination, medical neglect, abuse and violence experienced by transgender and gender variant people in California prisons. We are an abolitionist organization in that while we fight for the immediate needs of transgender and gender variant people in prison and we do not advocate for reforms that further expand the prison industrial complex. We work

to improve conditions for transgender and gender variant people in prison, and to promote public awareness of the experiences of transgender and gender variant people in prison, all the while prioritizing and building the leadership of current and former prisoners. Our work deliberately combines race, class and ability along with gender, because low-income communities of color are disproportionately harmed by the prison industrial complex. Thus, TIP embraces the wide diversity of gender apparent in communities of color, such as butches, studs, aggressors, A.G.s, queens, divas, gay boys and others. ■

Resources

Trans/Gender Variant in
Prison Committee
C/O TGIJP
1322 Webster St., Ste. 210
Oakland, CA 94612
Phone: 510-677-5500
Fax: 510-839-7615
tip@riseup.net

Gender Identity Center of Colorado
Transgender in Prison Journal
3895 Upham St., Suite 040
Wheat Ridge, CO 80033
Phone: 303-202-6466
<http://www.gicofcolo.org>

The GIC-TIP Journal (no relation to TIP Committee) publishes and distributes a quarterly newsletter to transgender people in prison across the country.

About prison abolition:

Critical Resistance
1904 Franklin St., Suite 504
Oakland, CA 94612
Phone: 510.444.0484
Fax: 510.444.2177
crnational@criticalresistance.org
<http://www.criticalresistance.org>

Justice Now
1322 Webster St., Ste 210
Oakland, CA 94612
Phone: 510-839-7654
Fax: 510-839-7615
ynthia@jnow.org
(Cynthia Chandler, Co-director)

Hate Crime Laws: Public Policy Goals and Ethical Questions

RICHARD M. JUANG
ADVISORY BOARD CO-CHAIR
NATIONAL CENTER FOR TRANSGENDER EQUALITY

Progressive and radical activists face a complicated national context in terms of hate-motivated crime and violence:

- Many people who belong to a marginalized group will, at some point, face bullying, harassment, property crimes or violence that targets their identity.
- We live in the context of a criminal justice system that is heavily biased against the poor and communities of color.
- The police are themselves responsible for a portion of the violence faced by marginalized people and prosecutors are often reluctant to pursue costly and time-consuming prosecutions against “unpopular” crime victims.
- While efforts at creating community-based solutions to crime and violence are growing, there is no equally well-resourced alternative to existing law enforcement bodies and the criminal justice system.
- Neither law enforcement bodies nor the criminal justice system constitute a single homogeneous entity either in institutional structures, general ideology or individual attitudes; community and political pressures and education can be useful in transforming attitudes and practices in some instances, not in others.

The result of this complex national context is that no simple answers are possible to the question “Should transgender activists pursue inclusion in hate crime laws?” and the broader contextual question, “Should transgender people support hate crime laws more generally?” A balanced consideration of hate crime laws is not just a philosophical exercise, but essential to thinking clearly about how the transgender community wants to respond to hate-motivated crime and violence.

Hate crime laws raise at least three related questions for the transgender community:

- What do we want hate crime laws to achieve for transgender people?
- What priority, if any, should be given to achieving transgender inclusion in existing hate crime laws?
- Are hate crime laws ethical or justifiable in the first place?

Transgender activists would not be alone in asking these questions; similar questions have been raised about the value of hate crimes legislation by non-trans activists working against racism and for racial and economic justice.

This chapter has two parts: the first outlines some of the major concepts

useful to activists working on hate crime laws. The second provides an overview of some of the major ethical arguments for and against hate crime laws. This chapter is written with the assumption that *both* the support for and opposition to hate crime laws should be taken seriously; I hope that this overview enables productive dialogues that will, in the end, be useful to trans communities and our allies. I briefly provide my own position on hate crime laws in the conclusion of this chapter.

I. What Hate Crime Laws Do

Hate crime laws typically do some combination of three things:

- *Provide penalty enhancements.* Penalty enhancements are provisions that allow prosecutors to seek increased penalties for hate-motivated crimes against people or property. This may include increased sentences, fines, or the reclassification of criminal acts (for example, charging a hate-motivated misdemeanor as a felony). Although penalty enhancement is the most controversial aspect of hate crime laws, they are, in fact, rarely used, relative to the number

of actual hate-motivated crimes that occur.

- *Mandate police reporting of hate crimes.* Hate crime laws can also require the collection of data on hate crimes, mandating, for example, that police departments investigate for bias-motivations and keep records on hate-motivated crimes.
- *Mandate training, investigation and prevention.* Hate crime laws can also make it possible to mandate or allocate resources for the training of law enforcement personnel on how to respond to hate crimes, in general, and for training on transgender people and issues, more specifically. In some jurisdictions, police units have been created specifically to investigate hate crimes.

Civil Remedies

While hate crime legislation is conventionally seen as part of criminal law, civil remedies for dealing with hate crimes are also possible. Under Massachusetts law, for example, people faced with harassment or threats because they belong to a protected class or because they are engaged in a constitutionally protected activity may seek an injunction restraining their harasser. Violation of the injunction then triggers criminal penalties.

New Legislative Approaches to Hate Crimes

Two pieces of legislation have been recently proposed that seek to improve the investigation and prosecution of hate crimes:

- *Local Law Enforcement Enhancement Act (LLEEA):* The LLEEA would have allowed for federal assistance and investigation of hate crimes

in jurisdictions where local law enforcement was unable or unwilling to effectively prosecute a hate crime. The LLEEA was introduced in Congress in May, 2005, co-sponsored by Senators Edward Kennedy, D-MA and Gordon Smith, R-OR. This bill did *not* provide penalty enhancements and so received support from a number of major civil rights organizations that had previously opposed hate crime laws on the basis of their disproportionate impact on the poor and people of color. In 2006, this bill was removed from the Child Safety Act in committee and was not voted on.

- *Gwen Araujo Justice for Victims Act (California):* This law prohibits the use of social bias as a defense strategy. This Act was introduced in California following the mistrial in the Gwen Araujo murder case and in response to the use of “trans panic” as a defense strategy (in which fear of or sexual disgust of a transgender person is offered up as a mitigating factor or even a justification for a crime). While not a hate crime law, this act would help the effective prosecution of hate crimes. The Act was signed into California state law in late September 2006.

Beyond Penalty Enhancement: A Quick Assessment

For long-term progress in reforming the manner in which transgender people are treated by law enforcement, accurate data collection and the education of law enforcement may be far more valuable than penalty enhancements. In terms of the fair administration of justice, bills such as the Gwen Araujo Justice for Victims Act may be very valuable in reducing the use of “trans panic” as a defense strategy.

Reforming Police Procedures

Hate crimes have an impact far greater than the immediate harm to people and property. Hate-motivated violence is often characterized by what police call “overkill,” viciousness and force that far exceeds “ordinary” crimes. Similarly, hate-motivated crimes against property, for example, “die faggot” spray painted on a person’s home, create a far higher degree of insecurity and offer a threat of harm that exceeds simple graffiti. Whether or not a jurisdiction has a hate crime law and regardless of penalty enhancements, having law enforcement officials take hate crimes seriously, treat transgender crime victims with respect and punish the perpetrators of hate crimes appropriately is critical to the well-being of transgender people and to the meting out of justice, more generally. Additionally, because of long-standing hostile treatment from law enforcement, many transgender people are reluctant to report crimes, for fear of additional victimization by the police, or retaliation from perpetrators. Whether or not transgender people can work effectively with law enforcement and feel protected by them depends heavily on the reform of police departments.

With such goals in mind, the main questions for activists then become, “What reforms need to be made, in law enforcement and criminal justice? And “What role do hate crime laws play in those reforms?”

Although law enforcement procedures, conduct and attitudes vary widely from place to place, the handling of hate crimes can be broken down, roughly, into three phases: the initial response by a police officer, the investigation of the crime and the prosecutor’s decision about what charges to press

The handling of hate crimes can be flawed at each stage:¹

- The responding officer may not think to ask about possible bias-motivations or may fail to see bias as a significant factor. A responding officer with negative attitudes toward transgender people may regard crime victims as “bringing it on themselves” and be indifferent to the crime. Or an officer may fail to treat the crime victim respectfully, thus leading to the victim’s reluctance to fully report the crime.
- The investigating officer may fail to investigate and collect evidence of bias or fail to categorize the crime correctly as a bias crime. Distrust of the police, a fear of being mistreated and/or outed, and a fear that victims and witnesses will not be protected from retribution can contribute to the reluctance on the part of transgender people to cooperate with investigators.
- In the event that an arrest is made, prosecutors may also fail to press charges or press less substantial charges if they believe that a conviction is unlikely, either for lack of evidence or because of substantial social bias against the crime victim.

Whether or not a state has a hate crime law, these flaws can hobble effective law enforcement responses. In terms of hate crime reporting, whether or not police officers accurately report and respond to hate crimes can often depend greatly on a “departmental culture” in which both law enforcement personnel at all levels take hate crimes seriously (McDevitt 104).

Similarly, prosecutors often make decisions about which charges to press based not only on whether or not there is sufficient evidence, but also on the likelihood of a conviction and the degree of community, political and media concern about the crime. Hate crime legislation, as part of creating

broader community awareness about hate crimes, may provide incentives (resources, education and a focus for political and community will) for hate crimes to be taken seriously by police officers, departmental leadership and prosecutors.

Data Collection and Public/Media Awareness

Hate crime laws may improve data collection on the prevalence of hate crimes, allowing for greater public awareness of how *pervasive* the problem of hate crimes is, beyond “isolated” high-profile instances. The FBI’s Uniform Crime Reports (UCR) provide a widely used measure of the prevalence of hate crimes; however, these statistics are severely flawed for several reasons:

- Because crime reporting is voluntary, many jurisdictions do not file reports.
- Many jurisdictions do not recognize “hate crime” as a category.
- The FBI UCR does not recognize crimes targeting “gender” as a category of hate crime.

Notably, in contrast to the UCR, the reports by community groups collected by the National Coalition of Anti-Violence Projects (NCAVP)—also flawed by significant problems of underreporting—indicate that anti-transgender violence remains a pervasive problem.

Miscategorization

Hate crimes targeting gender identity or expression are often miscategorized and thus go unrecognized or placed in any one of a variety of possible categories. In Massachusetts, for example, the form for reporting a hate crime

allows an individual to report crimes against gender, but only as “anti-male” or “anti-female.” Consequently, the typical procedure for crimes targeting transgender individuals has been to categorize them as bias crimes against sexual orientation. However, this is not consistently followed, and still does not address the “invisibility” of anti-trans violence in crime statistics.

II. Ethical Issues

In this section, I review some of the major arguments in favor of and against hate crime laws. These arguments are presented in order of weaker to stronger arguments, either for or against hate crime laws.

In Favor

- *Penalty enhancements may deter future crimes.*
- *Penalty enhancements are a justified form of retribution that reassures victims, families and communities that crimes against transgender people are taken seriously.*

These are weak arguments in favor of hate crime laws. There is no evidence that increased penalties for hate crimes reduce their prevalence. Furthermore, penalty enhancements are not often used. Since it is difficult to convince juries to impose hate crime penalty enhancements, prosecutors are often reluctant to ask for them. In turn, given that penalty enhancements are, in fact, rarely used, it is not clear that penalty enhancements provide a greater sense of justice to crime victims, families or communities.

The effective application of appropriate charges and penalties (i.e., pursuing a murder charge in the case of murder, rather than manslaughter, where a conviction would be easier

but have a lighter sentence) may also provide a sufficiently strong sense that crimes against transgender people are being taken seriously, *without penalty enhancements*.

- *Transgender inclusion in hate crimes provide an index of the political climate and a legislative wedge: if we cannot get legislation that says it is wrong to kill us, we cannot expect non-discrimination legislation.*
- *If we can get existing hate crime laws to include transgender people, the recognition will assist us in passing other forms of legislation.*

This is a stronger set of arguments. In California, for example, the existence of transgender inclusion in the hate crime laws supported the passage of trans-inclusive non-discrimination legislation.

However, in some states, legislators who would support non-discrimination legislation for transgender people are *not* automatically supporters of hate crime laws when penalty enhancements are involved.

Nor is it necessary for states to have transgender-inclusive hate crime legislation before having trans-inclusive non-discrimination laws. California, Minnesota and New Mexico have trans-inclusive hate crime laws plus trans-inclusive non-discrimination laws. However, Illinois, Maine, New Jersey, Rhode Island and Washington have trans-inclusive non-discrimination laws *without* trans-inclusive hate crime laws.

In short, while trans-inclusive hate crime laws might help in passing non-discrimination laws, they are not essential to the process. At times, hate crime laws may also pose a *more* divisive issue among allied groups, legislators and the general public than non-discrimination laws.

- *Transgender inclusion in hate crime laws signal a society's public recognition that transgender people are deserving of equal protection.*

This is a strong argument for supporting hate crime legislation. Given that hate crime legislation already ex-

ists, the absence of transgender people from that legislation signals an indifference to transgender people.

However, this reason can be undermined in several ways. In practical terms, provisions for education and training can be underfunded, poorly implemented or simply ignored. Prosecutors may pursue crimes only tokenistically, i.e., focusing only on cases in which there are “good victims” (i.e., middle-class trans people who pass, trans people who are not involved in sex work) and in which the crimes are clearly motivated by hate and have high levels of violence. Lower levels of crimes, such as vandalism, harassment, stalking, robbery and simple assault, which seriously harm individuals and communities but rarely get headlines, may go largely ignored. Victims who are poor, who do not pass, and who might be engaged in sex work or drug use, may remain unprotected and underserved.

- *Transgender inclusion in hate crime laws is a step toward raising public awareness about the seriousness of hate crimes against transgender people.*

This is a strong reason to support hate crime legislation, if there is sufficient political and activist will to engage with the media and law enforcement. Except for a handful of high-profile cases, hate crimes against transgender people remain largely ignored or badly reported by the mass media. Even if penalty enhancements are excluded, passing hate crime legislation offers activists an opportunity to work in a wide-ranging way with the media, law enforcement personnel, attorneys, crime victim support services, government agencies and legislators to make visible the discrimination and violence faced by transgender people.

- *Trans inclusion in hate crime laws is part of reforming the relationship*

Gender ID and Exp. in Non-Disc. Laws	Gender ID and Exp. and Sexual Orient. in Hate Crime Laws	Sexual Orient. only in Hate Crime Laws
California Hawaii Illinois Maine Minnesota New Jersey New Mexico Rhode Island Washington	Arizona Connecticut Hawaii Minnesota Missouri New Mexico Pennsylvania Vermont	California Delaware Florida Illinois Iowa Kansas Kentucky Louisiana Maine Massachusetts Michigan Nebraska Nevada New Hampshire New Jersey New York Oregon Rhode Island Tennessee Texas Washington Wisconsin

of law enforcement and the criminal justice system to transgender people and communities.

I regard this as a very strong reason to support hate crime laws. How police and prosecutors deal with transgender people can be reshaped by a combination of education, the attitude of law enforcement leadership, incentives to protect, investigate and prosecute, and pressures from communities and political figures. Legal changes offer one starting point for creating a larger change. Heightened awareness of transgender people may increase the willingness of police and prosecutors to investigate and pursue crimes against transgender people.

Legislation can also be used to mandate training and education about transgender people for law enforcement personnel.

However, although trans inclusion in hate crime laws may help improve training and education among law enforcement personnel, such laws are not likely to lead law enforcement officials to reconsider policies, such as “street sweeps” that heavily victimize the most vulnerable trans people, including sex workers and the homeless. Nor do hate crime laws directly affect the general unwillingness of law enforcement bodies to deal with *police* violence against transgender people.

Against²

- *By penalizing motivations, hate crime laws are a form of thought control.*

This is a weak argument that relies on a misunderstanding of hate crime laws and their implementation. In general, not just with hate crimes, motives and intentions have never been outside the purview of criminal law, as in the case of pre-mediated (first-degree) murder.

Hate crime laws do not attempt to preemptively censor thoughts or speech; they only become relevant when criminal activity actually occurs and the expression of intentions or biases become evidence of a perpetrator’s intentions. The distinctive categorization of hate crimes is appropriate given that the consequence of hate crimes is often to terrorize and psychologically harm a victim and a community well beyond the immediate harm of the crime.

- *Hate crime laws are antithetical to equal protection by giving more protection to particular groups and not others.*

This is also a weak argument based on misinformation. Hate crime laws are written so as to encompass not simply a specific group of people, but also individuals who are perceived to be of that group. A person does not have to be transgender to experience a hate crime because of gender identity. Furthermore, hate crime laws do not specify what manifestations of a particular characteristic are protected: masculine, feminine and androgynous appearances are all protected under the category of “gender expression.”

The characteristics identified in hate crime laws are not arbitrary, but reflect characteristics that are often singled out for heightened levels of discrimination and violence. Opposing protections that will apply primarily, but not exclusively, to people who are at heightened risk of violence as a form of “special treatment” is rather like opposing medical treatment for injured people as “discrimination against the healthy.”

- *Hate crime laws focus our attention on retribution rather than the restoration of offenders to society and the repairing of the damage that they do.*

This criticism is stronger than the previous set of arguments, and is relevant even when penalty enhancements are *not* part of a proposed change in hate crime laws. Punishment is ineffective in changing individual and group attitudes. Community sympathy for crime victims can often be eroded if the media portrays transgender people in a negative light, thus creating the sense that perpetrators are being “unjustly punished,” if they use a “transgender panic” defense.

However, transgender inclusion in hate crime legislation does not take place outside of the context of already existing hate crime legislation and the current state of the criminal justice system. Given that the criminal justice system is already heavily weighted toward retributive rather than restorative models of justice, without regard to the interests or perspectives of transgender people, whether or not transgender people are included in hate crime legislation will have little impact on the state of the criminal justice system. This objection is outweighed, in turn, by the opportunity to educate key groups about transgender issues and incrementally reform the relationship of law enforcement to transgender people.

- *Hate crime laws increase police and prosecutorial power, and the prison industrial complex, in a system that disproportionately impacts the poor and people of color.*

This argument has strong merit; notably, hate crime legislation remains a contentious issue among non-transgender people of color organizations and the terms of those debates deserve strong consideration. The support and pursuit of hate crime laws may set transgender organizations at odds with important racial and economic justice organizations. That opposition may reinforce the perception that the trans-

gender movement is primarily white and middle-class and is unconcerned with the most vulnerable segment of its own population: the poor and persons of color.

At the same time, however, not all legislative proposals around hate crimes require that the emphasis be on penalty enhancements and increased police and prosecutorial power. While these are important, legislation can also focus on training and civil remedies, neither of which negatively impacts the poor or persons of color.

Furthermore, to the extent that crimes against transgender people suffer from a frightening lack of adequate investigation and prosecution, hate crime laws offer pressure on law enforcement to take crimes seriously.

- *Hate crime laws gives the appearance of legitimacy to the law enforcement system and its personnel, who often underserve the transgender community, whose tactics—such as “street sweeps”—endanger the most vulnerable part of our communities, and who, at times, are directly responsible for violence against transgender people.*

I take this as the most serious objection to hate crime laws. Beyond the serious problem of disproportionate impact on the poor and people of color, the illusion of legitimacy given to law enforcement bodies that are, at times, directly or indirectly *responsible* for the mistreatment of transgender people, is the strongest indictment of hate crime laws.

The National Coalition of Anti-Violence Programs (NCAVP) report for 2005 notes that 8% of perpetrators in anti-LGBT crimes were law enforcement personnel. NCAVP further notes that “Of those incidents [of anti-LGBT bias crimes] that were reported to law enforcement, arrests were made in 21% of cases; in 13% of the cases, complaints were refused. Complaints

were taken, but no arrests were made in 65% of cases reported to law enforcement. Attitude measures for law enforcement response also remained effectively unchanged [from 2004]: victims described law enforcement response as ‘courteous’ 39% of the time, ‘indifferent’ 24% of the time, ‘verbally abusive’ 7% of the time, and ‘physically abusive’ 3% of the time.”

Conclusion: Hate Crime Laws as One Part of Organized and Strategic Reform

Pursuing transgender-inclusive hate crime laws is important as one part of a concerted effort to reform law enforcement, and put a combination of legislative, media and community pressure and positive incentives on prosecutors to take crimes against transgender people seriously. Hate crime legislation is ineffective unless followed up by

substantial work by activists to change media and law enforcement attitudes and practices. Such work should be part of a dialogue, and even a coordinated effort, with other groups who also face hate crimes on a regular basis.

We should not have any illusions that hate crime laws will deter hate crimes or that the presence of a hate crime law immediately leads to a heightened sensitivity and concern by law enforcement personnel for the lives and well-being of transgender people. Instead, we should work for hate crime legislation that can be used as one of many tools for educating law enforcement personnel about transgender people, making visible the violence and crime that transgender people face on a daily basis, and creating a commitment on the part of law enforcement, policymakers and governmental organizations to addressing and preventing hate crimes. ■

¹ See Jack McDevitt, Shea Cronin, et al. *Bridging the Information Disconnect in National Bias Crime Reporting*. Northeastern University Institute on Race and Justice, 2004.

² For a balanced and thoughtful opposition to hate crimes laws, see Katherine Whitlock, *In a Time of Broken Bones* (American Friends Service Committee, 2001). For a discussion of police violence against LGBT communities, see *Stonewalled: Police abuse and misconduct against lesbian, gay, bisexual and transgender people in the U.S.* (Amnesty International September 2005).

Social Change

A Moment of Transgender Collaboration across the Republic of Mexico: April 19 – 20, 2006, Puebla, Mexico.



PATY BETANCOURT
FOUNDER AND COORDINATOR
TRANSGENEROMÉXICO.ORG

April 19 – 20, 2006, Puebla, Mexico. Transgenero México inaugurated its first joint collaboration with more than 8 states of the Republic of Mexico represented by various groups, including Transgenero Mexico, Transgenero Hidalgo, Pupas AC of Puebla, Trans Jarochas, Trangenero Jiquilpan and VIH+ Melaque, among others.

The event consisted of workshops and forums about trans issues in Mexico, and from it came the proposal to create a brochure about human rights and HIV prevention. Gender and the creation of a new perspective on transsexuality in Mexico are topics of vital importance, as we work towards being recognized for our gender identity. We developed a workshop where we addressed a topic that almost no one ever wants to touch in our country: the topic of the “perception of risk” of HIV/AIDS and STDs for trans people. The participation was magnificent. It’s important that our voices and our experiences are heard and that we are the ones to create this brochure.

We had forums, workshops and video projects. The topics of HIV/AIDS and gender were at the center of these workshops, without leaving out human rights.

The work of Trangenero Mexico is possible at the national level because of the integration and participation of trans people in the fight for visibility and respect for our rights as people.



Paty Betancourt, founder and national coordinator of Transgenero Mexico, spoke about her international collaboration with RED LAC TRANS in a recent reunion organized by Marcela Romero of ATTTA (Argentine Travesti, Transexual and Transgender Association) at the WHO and UN-AIDS. We were included as members because we are the only trans network that works on HIV issues within these organizations. We also recognized the work of other Mexican and Latin American organizations in the fight for transgender rights.

We ended our event with movies about gender for which we received a lot of positive feedback from those who were really interested in this

topic. It is a basic necessity to work more on issues of gender identity and health. More than 50 transwomen from 8 states including Colima, Jalisco, Hidalgo, Puebla, edo. De México, Baja California, and others participated in the event.

We concluded the evening by making it clear that the empowerment of the trans community is a cause which we should all work towards in order to better all our lives. As people who hope that trans identities become visible and respected at the global level, we also hope, each day, to continue talking about and strengthening this movement. ■



Transgenero México

PATY BETANCOURT
FOUNDER AND COORDINATOR OF TRANSGENEROMÉXICO.ORG

Because of the simple fact that we were born in Mexico (it's expected that) we have the rights granted to every human being by the Mexican Constitution.

However, this principle is frequently a form of official sarcasm toward people like us who have decided to change our gender identity. For this reason, we fight a state that not only refuses to recognize us, but also refuses to accept our abilities, which slows Mexico's growth.

In Mexico, community organizing is being done by trans women sex workers in conjunction with civil liberties organizations such as Transgenero Mexico. We are lucky to be working in a coordinated effort as we work toward the visibility and the respectful treatment of transgender people, a vision of a better world that we count on.

Mexico is a country where it is difficult to survive socially because of the discrimination that is in force everywhere. Antagonism in the workplace and in social and cultural spaces is a struggle that we believe is our duty to fight against.



As in other countries, Mexico is not exceptional in terms of discrimination, but it is also clear that this sometimes involves a transphobia that often results in physical violence against our people, sometimes resulting in death.

We've received supplies of condoms from CENSIDA (National Center for the Prevention and Control of HIV/AIDS) in the past 3 years, which,

before this, was an unimaginable kind of access. The epidemic began in the 1980s and, more than 23 years later, we finally have access to them; sadly, we see that if the transgender community in Mexico does not gather and organize, they will not receive something so essential as the condom for everyday survival.

One of the strategies used is gathering people and empowering them to use their voices to speak out against the discrimination that we suffer in our country. We see that, in the first article of the constitution, it says: *Discrimination that is motivated by national or ethnic prejudice, or that violates human dignity on the basis of gender, age, ability,*



Scars left by members of the police in Mexico, without cause and without remorse. (It is important to point out that the fight in Mexico was initiated more than two decades ago. One of the most recognized leaders of this movement is Paty Betancourt. In her beginnings as an activist, she was assaulted by members of the police in Mexico leaving her with scars on her back. She was hospitalized for 15 days and, after reporting this incident, there was no punishment for the assailants. This led Paty to fight and organize a movement to increase the visibility and respect for transgender people in Mexico.)



class, health, religion, opinions, preferences, civil status or other bases, and that has as its goal to end or diminish the rights and liberties of the people, is prohibited. Beyond showing our vulnerabilities, I have also tried to make visible the legal realities that people actually face.

This takes us to a struggle where, in our country, far from being recognized, we are tortured in some states because of anti-trans discrimination, and many of us are taken to jail. We are told that the reason for our arrests is because we were dressed as women and “inciting prostitution.” Fighting this stereotype is part of a struggle that continues still.

I know that there are hundreds of people in asylum in the U.S. because of police brutality, which is a reality, and it is sad that some are abused by the “smugglers” who move illegal immigrants before reaching the American dream. However, life in Mexico is not what it seems. Many people assume

that, because we are neighbors to the U.S., we live better and that our socio-economic conditions are better than some Latin American countries. This thinking is a big lie because we’re a country where there has never been a political voice from elected officials to demand our visibility, despite Article 1 of the constitution, on which our country is based. The government talks about discrimination, but there has never been a law that deals with it. A person who is protected under the Mexican constitution...hahahahaha, what irony!

What will happen to the lives of transgender people in Mexico? We only hope to continue to fight for visibility and to gain respect for our rights. By unifying our strength with other minority groups, we will not let the powers that be keep walking all over us and our rights, even though our lives might be at risk. ■

Transgenero México Org.

PATY BETANCOURT

TRANSGENERO MÉXICO ORG, FUNDADORA Y COORDINADORA

Por el simple hecho de nacer en territorio **mexicano** (se supone) cada ser humano tiene derechos consagrados en la Constitución Mexicana.



Sin embargo, esta afirmación frecuentemente se convierte en un sarcasmo oficial para las personas que hemos decidido cambiar nuestra identidad sexual y que, por esta decisión nos enfrentamos a un Estado que no sólo nos desconoce, sino que se niega a aceptar nuestras capacidades, con lo que frena también el desarrollo del país mexicano.

En México la organización por

parte de mujeres trans en trabajo sexual, con la coordinación de organizaciones civiles como transgenero México, en este caso creemos tener la fortuna de estar trabajando en apoyo coordinado ante el trabajo a la visibilidad y el respeto por personas transgenero, actualmente contamos con la visión de un mundo mejor.

Ya que en nuestro México, es un país difícil en sobre vivencia social, ya que la discriminación es la que rige en todos los ámbitos. La negatividad en ámbitos laborales sociales y culturales es una lucha donde creemos que es un deber nuestro pelear nuestro espacio en todos los ámbitos ya mencionados.

Como en otros países México no es la excepción en la discriminación, pero

también es claro decir que esto conlleva en algunas veces a la TRANSFOBIA dando así muchas veces agresiones físicas hacia nuestras personas incluso en algunos casos llevando a la muerte.

El apoyo de condones por parte del CENSIDA (Centro Nacional para la Prevención y El Control del VIH/ SIDA) en estos últimos 3 años por lo que anteriormente el acceso a los condones era inimaginable, recordando así la epidemia se inicia en los años 80 y mas de 23 años después tenemos acceso a ellos, tristemente vemos como si la la población transgenero en México si no se agrupa u organiza no recibe aportación de algo primordial para el trabajo cotidiano como es el condón.

Una de las estrategias utilizadas es la agrupación de personas y el empoderamiento y la expresión de viva voz con respecto a la discriminación que sufrimos en nuestro país. Así, vemos que en el Artículo Primero dice: Queda prohibida toda discriminación



Marcas dejadas por elementos de la policía en México sin motivo alguno a la agresión y sin pena alguna para los agresores (Es claro señalar que la lucha en México es iniciada ya por mas de dos décadas y que una de las iniciadoras de este movimiento reconocida en México es Paty Betancourt y que en sus inicios ella fue agredida por elementos de la policía en México dejando marcas en su espalda al salir después de su hospitalización por mas de 15 días por elementos de la policía mexicana, el hacer mención de este nunca hubo penalización para los agresores, dejando así una solución la lucha en coordinación por la visibilidad y el respeto trans en México.)



motivada por origen étnico o nacional, el género, la edad, las capacidades diferentes, la condición social, las condiciones de salud, la religión, las opiniones, las preferencias, el estado civil o cualquier otra que atente contra la dignidad humana y tenga por objeto anular o menoscabar los derechos y libertades de las personas. Más allá de una exhibición de vulnerabilidades, he expuesto una realidad de personas que ni siquiera existimos legalmente.

Esto nos lleva a una lucha en donde en nuestro país lejos de ser reconocidas somos torturadas en algunos estados de nuestro país por discriminación y muchas de ellas son llevadas a los separos a legando que el hecho de estar vestida de mujer es “incitar a la prostitucion ”lo cual el encasillamiento o lograr que ya no siga este estereotipo que se nos da es una lucha que todavía no termina.

En algunos de los casos conozco de cientos de personas así mismo asiladas en EEUU por acoso policial lo cual es una gran verdad y tristemente algunas son antes de llegar al sueño americano

son abusadas por los mismos “polleros” contrabandistas de ilegales. Sin embargo la vida de México no es como lo parece ya que muchas personas asocian el hecho de ser vecinos de los estados unidos asocian que vivimos mejor y que nuestras condiciones socio-económicas son mejor que en algunos países latinoamericanos, gran mentira ya que somos un país que jamás hubo una replica política por medio de servidores públicos a la exigencia de nuestra visibilidad pues de ello se basa el artículo 1 de constitucional de nuestro país donde se habla de no discriminación lo cual es sarcástico y jamás no hay una ley que ahora lo regule, una persona protegida por la Constitución Mexicana. Jajaja-jajajaj que ironía.....que pasara con la vida trans en México.....solo esperamos seguir en la lucha de visibilidad y hacer valer nuestros derechos unificando fuerzas con grupos minoritarios, en concreto no dejaremos que sigan pisoteando nuestros derechos y aunque por ello valla nuestra vida de por medio..... ■

Faith and Activism in the Transgender Community

JOSHUA HOLIDAY

I'm a 41 year-old African American pastor and FTM. I have been involved in transgender activism for about six years now. My role in transgender activism started at Unity Fellowship Church, Brooklyn, where my godfather, Bishop Zachary G. Jones, is pastor and founder. My spiritual uncle, Rev. Jeff A. Haskins encouraged me to get involve and to help more transgender people see that God loves them most of all. My godfather taught me how to read the Bible with my eyes wide open. And to question what I didn't understand or what didn't make sense. I have always questioned some things that I've read in the good book, so it was a relief to come across a place and a people that felt the same as I did.



The people in our community, especially those of color, have been ostracized from the church. They have been made to feel like less than garbage and are unable to walk into many churches without being made the sermon for the day. It is especially rough when the preacher standing in the pulpit calling you an abomination is the same man you may have been having sex with the night before. The hypocrisy that takes place in the church makes it extra hard for me and others in ministry to convince many within my community that God does truly love them.

I make it a habit of not always

wearing ministerial clothing because I want people to be comfortable and to be themselves around me. When people feel comfortable, they are able to express themselves, which sometimes includes cursing. By hearing how people truly feel about something, I'm better able to help them through their struggles. Members of the transgender community go through a lot and have a lot of pains, both that we let the world know about and that we keep inside.

I often remind people that the Bible is a book of parables not to be taken literally, but to teach a lesson on how to live our lives. Jesus is about love, not hate. His commandment is for us to love each other as we love ourselves. Throughout the Bible, eunuchs are praised by God for their loyalty and service to Spirit. Many within our community of faith believe that the eunuchs were the transgender people of the day. Mathew 19:12 explains the different types of transgender people who live for the kingdom of heaven.

It is through these scriptures that

I am sometimes able to get members of our community to return to worship the God they never knew existed and to reintroduce God to others. After they get into an environment where they feel free and welcomed, many are able to improve their lives in many areas, including education and relationships. It feels really good to help another member of my community get to the first and most important level of starting a new life.

I cannot finish this writing without emphasizing that as a minister, I believe there are many ways to find God, just as there are many ways to be transgender. The differences parallel each other. I urge the people who read this to find Spirit for themselves. Don't believe that Spirit isn't available to you: s/he is available to all within our community and the best seats are waiting at the table for us. ■

Addressing Homophobia in the High Schools of the New York City Outer Boroughs

DEE PEREZ

FOUNDER AND ORGANIZER

GAYS AND LESBIANS OF BUSHWICK EMPOWERED (GLOBE)

In a survey conducted in 3 local high schools in Bushwick, Brooklyn, 76% of students had heard “faggot,” “dyke,” or other derogatory words directed to another student or staff. 26 % of students reported hearing these words from staff or faculty. Bushwick, a predominantly Latin community, is over 70% Latin. In this community, we are often confronted with the stereotypical ways Latin people should hold themselves or present themselves. This is called “machismo,” which defines the way a “man” is supposed to be and the roles for women in society. This set of beliefs limits the LGBTQ community from being accepted by their families and communities.

I am a long-time trans Latina resident from Bushwick. In 1998, I founded Gays and Lesbians of Bushwick Empowered (GLOBE), a project of Make the Road by Walking, which is committed to promoting community acceptance and understanding of LGBTQ issues through community outreach and organizing. We have been working on a safe schools campaign with local high schools. We hold school administrations accountable for providing a safe learning environment for all students, especially LGBTQ students.

Even though the New York City Department of Education (DOE) may have addressed this issue, violence is still rampant. This problem goes severely underreported because there has been no documentation of assaults towards LGBTQ students. We believe schools should be a place where we start to provide spaces in which students can discuss as a whole the culture of machismo and the impact that it has

on our interactions with others and our perceptions of other people.

GLOBE provides and facilitates discussions within 3 local high schools, including East Brooklyn Congregation, Bushwick Community High School and Bushwick School for Social Justice and others. We discuss with students how they were raised viewing the LGBTQ community from the standpoint of their family, media, friends and school. We try to connect the oppression that LGBTQ students face with the overall oppression we go through living in the “ghetto” and also to certain stereotypes inside our own communities. As a person who faced daily discrimination when going to high school, I know what youth face.

When activists think about schools having Gay-Straight Alliances and clubs, many think about organizing these in suburban schools and in communities that are not communities of color. GLOBE feels that it is impor-

tant to focus on these issues in the outer boroughs, in communities like Bushwick. *All* schools need to be held accountable for providing spaces and support for LGBTQ students.

As part of our work, we need to let LGBTQ students know that they have the right to start a club for themselves and for their allied peers. We are proud to say that we helped a local high school start their own LGBTQ club. This is a first in our community, and we need to help start more of them. We need to become resources for schools, because we know that the Department of Education definitely doesn't provide this kind of help.

GLOBE is working collectively with schools to create a process that listens to the voices of every stakeholder affected by this issue. Through that process, we can all come up with concrete steps to make our schools in the outer boroughs safer for all. A safe education is not a luxury, but a right! ■

Q-team of Los Angeles: Queer and Trans Youth of Color Organizing

NED DEL CALLEJO
Q-TEAM

Q-team of Los Angeles is a queer and trans youth of color organization. By “youth,” we mean people 12 to 25 years old and self-identified. Q-team is a collective that came into existence about 3 years ago so that queer and trans youth of color could have a space for ourselves to organize as our whole selves and not have to divide up our identities into single identities. We do multi-issue organizing because we recognize that we have intersecting identities. We are not just queer or just trans or just youth or just of color. Instead, we are all of these identities, all at the same time; we can’t organize for one thing without organizing for all of it.

Q-team allows us to take care of ourselves in a holistic way, while we challenge, educate and empower ourselves and mobilize ourselves and the people around us in Los Angeles.

We are currently working with students at Washington Prep High School in Los Angeles. Two students are suing the school, through the gay-straight alliance and the ACLU, for harassment of queer and trans youth. We are supporting students at the school in creating a video to document their stories and the experience of being a queer youth of color in high school in Los Angeles. The document explores how the different pieces of who they are come together; when they are being harassed as queer youth they are not only being harassed because they are queer, but because they are people of color. They tell us about how brown people are separated by black people, and how black people are separated from the Samoans and how everybody doesn’t know anyone when they are

outside in the quad or at lunch but when they go to the meetings all the queer folks come together.

We are working together to fight queer harassment, not just on the level of “we are queer and trans and we don’t want to be harassed,” but on the level of “we’re all of these identities and we are not going to take any of this anymore.”

The work that Q-Team does is important to us because it’s the first time, for many of us at least, that we’ve been able to come together without separating ourselves or having to choose between communities. We’ve been able to come together and say “these are *all* the many changes we want to see.” All our work is political because we believe that the personal is political.

We believe in self-determination: we have the power to create the change that we need and no one else can give it to us. No one else knows what we go through, no one else knows what exactly it is to be us. We are empower-

ing ourselves and giving ourselves the resources, access to money and opportunities to be able to create that change.

We consider ourselves as multi-issue because of our identities. More importantly, we understand that when you’re a person of color in Los Angeles, you usually have the least amount of access. So Q-Team organizes on the midtown south and east sides of Los Angeles, places that are predominantly people of color and where the least amount of resources in terms of services and money for education exist. So we recognize that we need to organize and create spaces in these communities specifically.

A lot of the resources in Los Angeles exist primarily in West Hollywood, which is predominantly white and corporate; we don’t want to expose ourselves to this corporate world that sells our identity back to us and then tells us that we are not good enough. So we are creating media, and a physi-

cal, emotional, and spiritual space for ourselves. We are creating a space to organize campaigns. It's a space where it's okay to question yourself and to change who you are throughout your life. We're creating a space where it's okay to be fluid and to have race, class, gender and sexuality and everything else all melted together to create one person, while also recognizing that we are all unique people. ■

Transfeminism

NATHAN LEVITT
THIRD WAVE FOUNDATION

The idea for the first Transfeminism training I co-facilitated over 4 years ago grew from frustrations within my own life experience. When I identified as a woman, a strong sense of my own empowerment was influenced by feminist teachings and activism within the women's movement. Through the women's movement, I learned about patriarchy and sexism and the interlocking oppressions of racism, classism and heterosexism. I was inspired to make change and work for social justice.

When I later came to my transgender identity, I immediately felt pushed out of many feminist circles. I began to realize how the analysis of sexism I had learned never fully examined the binary gender system and the ways in which both non-trans women and trans people are oppressed by similar systems. The reality of how many folks in the trans community searched for ways to integrate feminism into their own lives became clear. I felt as if I had a foot in both worlds, the women's movement and the transgender community, and I felt the tension of bringing both worlds together. Knowing they were fundamentally fighting the same systems made the tension all the more disconcerting. The debate itself often overlooked the revolutionary writings and activism of radical women of color feminists who consistently challenged the "universality" of women's experience, an argument often used to disregard low-income, queer, disabled and transgender communities

It was from this that Transfemi-

nism trainings were born.

The first Transfeminism training used scenarios focusing on several things: the exclusion of trans women within feminism and its dangerous contradictions with feminist principles; genderqueer identities and feminism; how trans men navigate masculinity; and brainstorming activities on how "trans issues" and "feminist issues" share many commonalities. As the need developed, new trainings specifically addressed how genderqueer and trans participants could integrate feminism into their lives and identities. Finding support from one another in dealing with the feminist exclusion of our lives, in learning how to combat manifestations of misogyny, and in using feminist teachings around self-determination and the right to control and make decisions about our own bodies were unique experiences for many of us. We looked at the ways that stigmatization on the basis of how groups of people fit within stereotypical gendered norms has been used historically and currently

in this country to support and justify exploitation of people of color, Jewish communities, women, gay, lesbian, bisexual, queer folks and transgender people.

The trainings continue to work from the belief that a feminism working toward liberation must not only analyze women's oppression, but also white supremacy, capitalism, heterosexism, imperialism and transgender oppression. We therefore look at how the oppression of women is grounded in the presumption of 2 distinct genders reinforced by the gender binary system. We examine how a capitalist system that exploits the unpaid labor of non-transgender women needs these distinct binaries for gendered labor. The trainings use activities that look at the ways in which the gender binary system is used as a tool of sexism, patriarchy, heterosexism, white supremacy, capitalism and imperialism, although these connections largely go unexamined in women's movements and social justice movements generally. They engage participants in the struggles and strategies of transfeminist organizing and provide resources and small group learning opportunities for activists within women's organizations and foundations, campus groups, healthcare, shelters, prisons, reproductive health and justice, and queer groups. An integral part of this training is using the voices of second-wave and third-wave radical women of color feminists who have paved a path for this organizing.

In addressing challenges, we look at different arguments, questions and language that erase us. Using the terms "gender discrimination" and "gender-based violence" in advocacy work that does not take the full extent of gender into account, excludes us from services we desperately need. We are punished and repressed by the same systems, often with fewer resources than the already limited resources available.

We are erased and under-resourced by language that does not include us with serious consequences for our survival. Examples include:

- the use of the word "woman" with the silent implication that this does not include trans women's lives and experiences
- discussing violence and prisons without looking at the horrific placement and treatment of trans women forced into men's prisons
- the lack of access to rape crisis centers
- inadequate gynecological care, abortions, testing for and information about breast cancer, cervical and ovarian cancer when trans men's experiences and bodies are not recognized
- the lack of safe sex materials that take our bodies and our risks into account
- a disregarding for genderqueer experiences in defining communities and finding medical care informed by their experiences.

Our trainings look at how questions about privilege and socialization further increase tensions and misunderstandings. Excluding trans women on the basis of not having a universal women's experience negates race and class and the history of women of color working to challenge this notion of experience. The privilege that trans folks are perceived to have or have had does not take into account how, as trans folks, our bodies, identities and experiences navigate a fine line between *perceived* privilege and the actual lived experiences of being trans or growing up gender non-conforming in a society rooted in transphobia. *In arguing that a women's space is no longer safe because a trans woman is a part of it not only*

negates who she is and her experiences and identity as a woman, but implies that her perceived past "privilege" is far more dangerous than any other privileges such as race and class. It disregards same gender violence and abuse and rarely applies the notion of "safety" to how all white women spaces are often unsafe for women of color.

Along with these conversations, activities and questions, just the opportunity to get us all in a room together is itself quite powerful.

Transfeminism and the Third Wave Foundation

There are many challenges in implementing Transfeminism but much important movement has happened. The National Organization for Women has announced its inclusion of transgender folks and INCITE Women of Color Against Violence has released a gender justice statement. Many women's organizations and foundations across the country are wrestling with these challenges and are invested in making change. One such place is the Third Wave Foundation, where I currently work.

Founded in 1996, The Third Wave Foundation is the first national feminist foundation focused on supporting the vision and voices of young women and transgender youth ages 15 to 30. Our purpose is to support and strengthen these young activists and their allies working for gender, racial, social and economic justice. We do this through strategic grantmaking, leadership development and philanthropic advocacy. I work as the Program Officer for the Organizing and Advocacy Fund which seeks to strengthen and develop the leadership capacity of young women and transgender activists and organizers, help build sustainable organizations and bring a deeper

gender justice analysis to social justice movements.

Nationally, less than 7% of philanthropic dollars go to women's and girls' programs. Third Wave emerged from a joint concern that there simply were not enough dollars focused on women and girls, and that young women's visions, while instrumental in creating social change, were being drastically under-funded because of gender discrimination. Over the last two years, we have also begun to recognize that transgender people and their programs are similarly oppressed by society's gender system and similarly marginalized in the philanthropic community, receiving less than 1% of foundations' grants.

As transgender youth leaders in movements for racial, economic and social justice continue to become more visible, we strive to ensure that our funding priorities reflect these changes and include severely under-resourced communities. The Third Wave Foundation firmly believes that providing resources to young women and transgender organizers has the capacity to strengthen women's movements and social justice movements generally.

In 2006, Third Wave adjusted its mission and made our commitments explicit within our Reproductive Health and Justice Initiative and Organizing and Advocacy Fund with grant-making strategies that reflected this strengthened gender justice lens and included groups led by young women *and* transgender activists, prioritizing groups led by young women and trans youth of color.

Because of a lack of information and growing myths within funding, women's funding in particular, work that truly integrates gender justice often does not get funded. Gender justice work addresses intersecting forms of oppression (such as racism, heterosexism, classism) while recognizing how

the gender binary system—a system that enforces only two genders and strictly defines appropriate roles and behaviors in racialized and class based terms—in an integral part of these intersections. Much funding and research that focus on gender oppression rarely see the essential connections to transgender youth. This not only creates a gap in funding for trans youth, but also does a disservice to the work of the women's movement by failing to support people directly affected by sexism and patriarchy. Often women's foundations feel that this inclusion does not fit into their guidelines, or the work is too narrow, or will take away from their focus. At Third Wave Foundation, we recognize, through our grantmaking, that transgender and gender justice organizing is multi-issue, impacts many communities and is at the intersections of many important issues such as housing, employment, prisons, poverty, violence, immigrant rights, reproductive justice and healthcare. In addition to grant-making, we have produced “I Spy Transphobia” postcards as a continuum of our past “I Spy Sexism” campaign (http://www.thirdwavefoundation.org/programs/i_spy_transphobia.html), and are in the process of developing a gender justice report as a tool specifically for women's foundations.

Following in the footsteps of what feminists before us have accomplished for self-determination, the right to control one's own body, access to safe healthcare, freedom from violence and challenging the universality of women's experience, we hope to dispel the myth that women's liberation and transgender liberation have opposing agendas. Contrary to the myths, movements for trans liberation and women's liberation have historically worked together and, by including transgender issues within our funding priorities, we hope to help further sustain this invaluable work.

As bell hooks has eloquently argued, “to build a mass-based feminist movement, we need to have a liberatory ideology. That revolutionary ideology can be created only if the experiences of people on the margin who suffer sexist oppression and other forms of group oppression are understood, addressed, and incorporated. They must participate in feminist movement as makers of theory and as leaders of action.” ■

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Resources

Trans Inclusion Policy Manual for Women's Organizations.

Allison Cope and Julie Darke.

www.transalliancesociety.org/education/documents/02womenpolicy.pdf

INCITE! Women of Color against Violence Gender Justice Statements
Color of Violence Conference

<http://www.afsc.org/pwork/0506/050610.htm>

Bending the Mold: An Action Kit for Transgender Youth

National Youth Advocacy Coalition (NYAC) and Lambda Legal

http://www.lambdalegal.org/binary-data/LAMBDA_PDF/pdf/305.pdf

Beyond the Binary: A Toolkit for Gender Identity Activism in Schools

<http://www.gsannetwork.org/BeyondtheBinary/toolkit.html>

Transitioning Our Shelters: A Guide to Making Homeless Shelters Safe for Transgender People (PDF), 2003, National Gay and Lesbian Task Force, By Lisa Mottet and John M. Ohle
<http://www.thetaskforce.org/downloads/TransHomeless.pdf>

Making Women's Shelters Accessible to Transgendered Women. Allison Cope & Julie Darke. (1999)
<http://www.queensu.ca/humanrights/tap/index.html>

Survivor Project is a non-profit organization dedicated to addressing the needs of intersex and trans survivors of domestic and sexual violence through caring action, education and expanding access to resources and to opportunities for action.
<http://www.survivorproject.org/>

Currah, Paisley & Minter, Shannon (1999). Transgender equality: A handbook for activists and policy makers. Policy Institute of the National Gay & Lesbian Task Force
www.nglftf.org/downloads/transeq.pdf

Gender Education and Advocacy (GEA)
www.gender.org

www.transfeminism.org
www.eminism.org

Sylvia Rivera Law Project Training Materials
www.srlp.org

A Basic Flow Chart on Disproportionate Poverty and Homelessness in Transgender Communities.
http://www.srlp.org/documents/disproportionate_poverty.pdf

A Basic Flow Chart on Disproportionate Incarceration in Transgender Communities.
http://www.srlp.org/documents/disproportionate_incarceration.pdf

Finding Common Ground Between Movements for Reproductive Freedom and Transgender Liberation
http://clpp.hampshire.edu/newsletter/ReproFreedom_02_Fall.pdf

Peeing in Peace: A Resource Guide for Transgender Activists and Allies
Transgender Law Center <http://www.transgenderlawcenter.org/pdf/pipguide.pdf>

TransGender Care
<http://www.transgendercare.com/>

transgressions: a radical zine by and for gender variant people of color
(for a copy write to Priyank Jindal PO Box 34184 Philadelphia, PA 19101 or email: transgressions1@yahoo.com)

Article about the connections between transphobia, racism, poverty, state violence
www.makezine.org/transecting.html

The Transgender, Gender Variant and Intersex (TGI) Justice Project's mission is to challenge and end the human rights abuses committed against transgender, gender variant/genderqueer and intersex (TGI) people in California prisons and beyond. <http://www.tgijp.org/>

Anti-Racists at CLAGS

MAX COHEN

At the 2005 CLAGS conference a group of young white folks held a workshop geared towards white conference attendants. This workshop emphasized anti-racist organizing and analysis as an integral part of trans organizing. We spent time in open dialogue exploring white privilege, anti-racism traps, how racism plays out in our community work. We talked about what it meant to be an ally and how to do ally work. Through interactive discussions and exercises, we attempted formulate and share tools on how to respectfully join in efforts to build effective multiracial LGBTQ movements and explore the struggles and strategies in our organizing work. We spent time acknowledging the importance in all aspects of our lives of anti-racist organizing principles, whether we are involved in planning events, holding support groups, doing coalition work, or making doctors' offices more accessible.

Racism, Whiteness, and Privilege

In order to dig deep, we shared our understanding of the current system of racism. The United States is built on “white supremacy, a historically based, institutionally perpetuated system of exploitation and oppression of continents, nations, and peoples of color by white people and nations of the European continent for the purposes of maintaining and defending a system of wealth, power and privilege” (CWS-Challenging White Supremacy Workshop). The roots of racism run deep in this country, in our lives, in our organizations, schools, communities, and families. White folks benefit from this system of racism and whites, collectively and individually, hold a lot of power in society. We call all of this together “white privilege.” In this “set-up,” white privilege is not something a person can discard; it’s a part of the

social system. That’s where anti-racism comes in: white folks acting to challenge ourselves to struggle against this racist system and for racial justice.

Is something inside you saying: “Privilege? I deal with sexism every day!” or “I don’t have power; I grew up poor, and I still am,” or “George Bush has power, not me.”

It’s true that white folks can feel (and be) powerless and oppressed, and our experiences are complicated. There are many systems that we can be targeted by as well as perpetuate, and both can happen at the same time. It’s hard to move forward if you feel guilty or bad for having power or just blame those in clear positions of power, without leaving room for seeing the systems of power that affect our lives, culture and institutions.

Our goal should be to end the system that unequally privileges some by redistributing power.

No One Is Free While Others Are Oppressed

As people in the struggle for LGBT rights, we know the importance of liberation, self-determination and justice. Yet the experiences of individuals in the transgender and queer communities are often not affected only by trans- and homophobia alone, but by many facets of oppression, including, but not limited to racism, ableism, ageism, anti-immigrant sentiment and xenophobia, classism, imperialism and sexism. It’s important to always remind ourselves as white folks not to universalize our experiences and to remember how complex oppression is. A big piece of anti-racism is recognizing what is most effective in working for the liberation of all people and figuring out how to respectfully plug into that work and helping make it happen.

Below are two examples of different struggles that LGBT folks have

worked on and some questions to explore what anti-racists principles were used within them.

In the past few years a common injustice that I've perpetuated is when many white gender variant, transsexual, transgender and gender queer people organize to challenge inaccessible bathrooms. Safety and comfort should be the norm in restrooms for all folks. There have been successful campaigns to build single-stall gender-neutral bathrooms. However, activists for safe bathrooms need to also ask:

- Who built and made these new stalls?
- Who cleans them? Are they being paid a living wage?
- Will these gender-neutral stalls be wheel chair accessible?
- Will homeless folks, and others typically not allowed to "pee in peace" be welcome in this new stall as well?

Historically and currently, the mainstream LGB "T" movement has been very single-issue minded. One example of this is the current debate on gay marriage. Everyone should equally be able to love, and be loved. For many LGB "T" individuals and organizations, gay marriage is a stepping stone to equality, as it will provide access to a very large number of privileges and benefits. For example, those with medical coverage could add their partners. However, millions of folks here in the U.S. have no medical insurance at all. The act of marriage for many middle class, working class, working poor and other economically disenfranchised communities will not change their access to health care, including LGBT folks. Many will still never receive the medical care they need, others will pay huge portions of their income to cover their health care costs.

Nationally, LGB "T" organizations have spent millions and millions of dollars campaigning to fight homophobic legislation banning gay marriage and towards the legal right to marry. We need to ask:

- Are the financial resources of these large LGBT rights groups being spent to liberate all queer folks?
- How will legalized gay marriage benefit poor and uninsured LGBT folks?
- What financial privilege or income level do you have to have in order to benefit from many marriage tax benefits?
- Do LGBT immigrants, both documented and un-documented, benefit from these rights?

As we move forward in our organizing work and in the struggle for LGBT rights, we must always question whose liberation we are fighting for and how we can frame our struggles to challenge *all* oppressions. ■

Resources

"White Privilege: Unpacking the Invisible Knapsack" an essay by Peggy McIntosh <http://www.cwru.edu/president/aaction/UnpackingTheKnapsack.pdf>.

Challenging White Supremacy Workshop

<http://www.csworkshop.org/resources/WhitePrivilege.html>

Challenging White Supremacy workshops train and educate white folks engaged in social justice work. This page has tons of articles and information, including a continuation essay where Peggy left off called "A Users Guide to White Privilege" by Cynthia Kaufman.

Colors of Resistance

<http://www.colours.mahost.org/org.html>

Ideas for Action: Relevant Theory for Radical Change

Cynthia Kaufman. South End Press, 2003

A Promise and a Way of life: White Antiracist Activism

Becky Thompson. University of Minnesota Press, 2001

Virtual Equality : The Mainstreaming of Gay and Lesbian Liberation

Urvashi Vaid. Anchor a Publisher of Random House, 1999

Seeing Change: Training Health Care Providers on the Needs of Transgender Patients

SAMUEL LURIE, M.ED.
TRANSGENDER TRAINING AND ADVOCACY, FOUNDER
WWW.TGTRAIN.ORG

At the Trans Justice conference, five trainers on transgender issues shared the workshop session “Creating Change through Skills-Building: Strategies and Techniques for Training Service Providers on Trans Community Needs.” Presenters were Lee Thornhill, writer and educator from Boston who has worked a lot in anti-violence and shelter programs; Gunner Scott, activist and trainer from Boston with a long history of organizing and training in the domestic violence arena; RE Szego from Portland, Oregon, who has trained providers on working with genderqueer and sexual minority youth; and me, a person from New York and Vermont who has focused on training health care providers.

Our group strategy was to each provide a favorite tip, exercise or message that we use specifically with the group of providers we were most experienced with. I shared the quote I use to close my trainings with health care providers: “Working with someone going through a gender transition is a joyous part of medicine. It’s very similar to feelings obstetricians have about facilitating birth.”¹

This quote resonates because providers are affirmed for having good intentions, and also because, by the completion of the training, they can see the beauty and benefit of working with transgender patients, *even if they first come in with fears or misgivings*.

It would be impossible in this space to give step-by-step instructions on how to train on transgender issues.² Instead, what I’m hoping to do with

this space is to describe some of the less obvious aspects of my work:

- Approaching the work with gentleness, compassion and caring,
- Affirming and trusting the expertise, skills, and good intentions of my audience,
- Recognizing that resistance is an active human response that actually promotes learning and change.

Gentleness, Compassion and Caring

I learned about gentleness in two key ways: as a writer and later as through my own gender transition. Years ago, I was a journalist working in the progressive press. There are similarities between journalism and training—both are about providing information and influencing people. But the

kind of journalism I was involved with had a cynical edge, even a meanness. You either got the joke or you were a jerk. I left writing to leave that meanness and cynicism. I found a different outlet and approach to influencing others.

In the mid-90s, as I explored gender transition for myself, I was already working as a health educator and started training providers on transgender issues. I approached participants in trainings the way I was working myself around transition. I had to untangle years of my own resistance to this possibility, including figuring out ways to honor my butch dyke existence of 35 years while taking a path that led me distinctly away from that history. People often see transition itself as an unimaginably difficult undertaking, but really it’s the resistance that is hardest. As I became more gentle with myself and my thinking, I could be

open to more possibilities. By taking things slowly, I could embrace more change over time than I ever thought possible.

Patience for myself opened doors. And this is an approach I bring to training. I now have over 10 years experience as a trainer on transgender issues, and also train on other controversial topics such as harm reduction and sexuality among disabled youth. A compassionate approach can result in revolutionary impact.

Being gentle as a teacher of new and challenging concepts does not preclude toughness. In fact, the combination of tough and gentle is what builds an interactive, engaged, safe space for all participants to share some aspect of their own vulnerability.

It is not enough, however, to have a group full of people applaud at the end of the day and go home feeling good. There needs to be a focus on what happens next. What happens next moves the individual awareness change into a broader political and social context.

Building Trust with an Audience

Our activist cultures don't necessarily value or recognize compassion, gentleness or vulnerability as tools of justice-building. But as I've refined my work, I have reached the conclusion that love and trust are both core tools of teaching for social justice.

This love and trust is not only about participants, but about the impact they will have on the world. There are two groups in a training who are more important than me: the participants, and the people, especially transgender people, who the participants are going to be working with. I am a facilitator. I create space, I plan a program, I practice what I am going to do and say, plan for contingencies. But then when it all gets let loose on

a room, it becomes something else, something that is different for each participant, each group. When a training experience jells, it breathes with a soul of its own.

I have to have faith in my audience, believe that their intentions are good and they will, in fact, be able to apply new information as they problem-solve outside. I also have faith in my audience's being able to help me during a training and that peers will speak to each other about what it means to bring the trans health care experience into their clinics and exam rooms.

And finally, I have faith in my own trans community and maintain my own credibility by having as many different perspectives as possible. I particularly welcome trans participants in trainings, as they add expertise and local experience to the room and personify the vast and beautiful range of transgender possibilities. As the person with "assigned authority" in the room, I can also take the heat off if tension arises between participants, especially if a trans or other marginalized person is being mistreated in a training. That's where my toughness comes into play: I model creating safety and space for different perspectives.

Resistance May Be a Sign of Learning

Part of creating safety is to deal effectively with "difficult" participants—those who create some discomfort or challenge for the entire room. There are many ways people can be "difficult," and practice and reflection strengthens our skills at proactively handling those challenges, but I want to focus here on one particular challenge: resistance.

In the Training-of-Trainers programs I've taught, beginning trainers are often very worried about hostile participants. We role-play their most extreme concerns and practice ways to

maintain tact as well as safety in the workshop space. But I have learned not to fear the so-called hostile participant. For one thing, truly hostile people will generally self-select to stay away.

In the case of a mandated training when someone seems closed and resistant and makes their feelings known to others, I have learned a career-saving approach. Edith Springer, a mentor of mine well-known in the harm reduction field, first taught me this key training concept: "Resistance is the first sign of a willingness to change." I have no way of really knowing the root of resistance an individual might have, but by looking at resistance itself as an active part of a change dynamic, I am unburdened. And I do know that things get worked out in ways I might never foresee.

A few years ago I presented a series of 16 staff trainings at the AIDS Institute at the New York State Department of Health. A participant had removed herself from a session but came back to a different one a few months later. She left me the following note after the training: "When I first came to this training I was blown away to the point I had to leave but I must say I am glad I came back. Understanding is the first step to acceptance. Thank you for helping me understand."

I would never have known any of this without that note, and a short discussion we had. But I have had a few others experiences like that one, enough to know that there are many people who go through changes that I don't see.

While I do want to change people's attitudes and level of understanding and I am thrilled when I learn about how a provider felt themselves change in their work with patients, I also want to see broader changes, and that happens when participants turn to their agencies and colleagues with expectations for transformation.

Often, individual professionals don't see themselves as having a lot of power. I've seen this with doctors, funders, administrators, those who have roles that, from the outside, are viewed as having considerable power. But on individual levels, stressors and constraints of institutions push back demands for organizational change.

I'm not interested in arguing with people about whether they have power or not. I'm much more interested in helping them find their power within an institutional and social context, as well as an individual one, and then we can all hold each other accountable to keep fighting for both simple and complex improvements and change. Then we are able to find the beauty and joy in creating change—for ourselves, our clients and our world. ■

¹ Dr. Ed Cheslow qtd. in Califa, P. "Love Me Gender" *Poz Magazine*, Oct. 1999.

² Some curriculum resources are: "Moving Beyond Trans Sensitivity: Developing Clinical Competence in Transgender Care" from Vancouver Transgender Health Program, by Joshua Goldberg <http://www.vch.ca/transhealth/resources/tcp.html>

Pacific AIDS Education and Training Center, "Transgender Awareness for HIV Clinical Providers," by Samuel Lurie, www.paetc.org

"Living Out Loud: How to Serve Transgender Clients Where They Are" by Jean-Michelle Bravelle, available through Diversity Works, www.dwmm.org

Trainer Stances

- Show the participant/audience unconditional regard and caring.
- Be yourself: speak about what you know and what is familiar to you.
- Acknowledge that you are asking people challenging things and they have a right to be resistant. Resistance is the first sign of willingness to change.
- Be a constant object: always act the same way with the participant and the audience.
- Be non-judgmental about the participant's/audience's statements.
- Direct discussion, do not command it; promote open discussion about a difficult topic, avoid shutting people down.
- Don't feel responsible to change every person's opinion. Change happens in stages; any small change is a positive thing.
- Explore your own issues: figure out ahead of time what pushes your buttons and have a plan on how you might deal with feelings of frustrations as they arise.
- Affirm valid points. Positive reinforcement is more successful than negative.
- You are always modeling behavior—how you treat the audience members is how you want them to treat clients.

Toward A Disability Politics Of Transness

ELI CLARE

Disability politics and trans politics meet and intertwine in many places, and there are many reasons why trans activists need to pay attention to this twine. I'm not suggesting a theoretical exercise but a strategic one in hopes of building a deeper and wider movement for liberation. I could of course start with the substantial presence of disabled trans folks in trans communities, and by disability I mean to include cognitive, learning, sensory, and psychiatric/mental health disability, as well as physical disability. I could start with the truisms about what it means to bring experiences of multiple oppressions and multiple identities to our organizing, about the need to create accessible and inclusive communities, about the importance of integrating ableism into our understanding of how oppression and privilege work. I could start in any of these important places, but rather I want to focus here on the ways disability politics can and, in my opinion should, inform trans politics.

First, it's important to acknowledge that trans activists have for many years been in dialogue with disability politics, whether we've been aware of it or not. For a variety of reasons, disability law has been frequently used to defend trans people's civil rights, partly because these laws have been around longer than gender identity and expression legislation. Courts have often denied that trans folks were covered under the category of sex but accepted the legal arguments about how we were covered under disability. These dynamics are changing now as the language of gender identity and expression is being integrated into non-discrimination codes and as some courts have started to recognize that transphobia can be part of sex discrimination. Even so, disability law is still used to protect trans people, and I don't begrudge that protection. But this strategy of using disability law does mean that we, as trans activists, need to be accountable

to and in coalition with the disability activists who made those laws possible and are now trying to shore them up as they come under attack by the Right. If we are going to use the laws, we had better be defending them too. Trans lawyers and disability lawyers need to talk, strategize, and work together, and trans activists to pay attention to disability legislative struggles.

But as in many coalition efforts, the work is made more difficult on both sides. Disability activists need to recognize that trans people have a stake in disability law and not disown us as happened in the struggle to pass the Americans with Disabilities Act (ADA). When Jesse Helms specifically wrote transsexuals and drug users out of the ADA, disability lobbyists and activist didn't protest, or at least not too loudly. They wanted their bill to pass. Always the question needs to be: are we selling anyone out, and if so, who.

This dialogue between disability

and transness reaches deep—from our legal strategies to how we talk about and perceive our bodies. The rhetoric of disability is often used in trans communities to leverage health care access. I hear trans people—most frequently transsexual folks who are using, or want to use, medical technology to reshape their bodies—say, “My transness is a disability, a birth defect, and I should have easy access to good respectful health care, just as other disabled people do. I simply need a cure for my birth defect.” While I want to respect the people who frame their transness this way and to acknowledge their truth, I also want to say unequivocally that the logic of transness equaling disability equaling good health care is simply not connected to the reality of disabled people's lives. Disabled people deal most of the time with doctors who trivialize, patronize, and don't listen to us, who don't respect what we know about our own bodies, who

believe some of the worst stereotypes about us, and sometimes think we'd be better off dead than disabled.

Often the rhetoric I hear in trans community takes the form of comparison with diabetes: "I should have access to the hormones I need just as a person with diabetes has access to insulin." In making this analogy, where is the awareness that many people with diabetes have lifelong connections to doctors who patronize them, judge their choices about food, weight, exercise, and try to control many aspects of their lives? It's not that doctors will deny insulin—life-saving medical technology—to diabetic people, but that along with access to the technology comes thinly veiled medical control and judgment. Or is diabetes being turned into a metaphor, the lived experience of diabetic people ignored, discounted, or trivialized? Either the analogy simply doesn't point toward the kind of health care trans people are trying to leverage, or it is just plain wrong and disrespectful.*

In addition to naiveté, the equation of transness equaling disability equaling cure and/or treatment rests upon some of the very stereotypes that disabled people struggle against every day. It takes for granted that disability is an individual medical problem curable, or at least treatable, by doctors. This medicalization of disability doesn't serve disabled people well at all. It runs counter to the work of disability activists who have struggled for 30 years to redefine disability as an issue of social justice, not of medical condition: disability lodged not in paralysis but rather in the stairs without an accompanying ramp, not in blindness

* Thanks to Rebecca Widom for helping me think through the problems with the diabetes analogy. See www.queeringdiabetes.org for a more in depth exploration of living with diabetes and stories and analysis about the medical establishment.

but rather in the lack of Braille, not in depression or anxiety but rather in a whole host of stereotypes, not in dyslexia but in teaching methods unwilling to flex. Many of us aren't looking for cures but for civil rights. The conversation about cure and treatment is a complex one, but as someone born with a "birth defect" called cerebral palsy, I can say there is nothing automatic or given about living with a body considered "defective" and wanting to be cured. To assume that as a matter of course disabled people desire a cure is to buy into disability oppression.

In short, if we as trans people and trans activists are going to use the rhetoric of disability to explain our experiences of gender and bodily difference and/or distress, we had better also understand the real lived experience of disability, not rely on oppressive stereotypes, and not undermine the political work of disability activists. Otherwise we're simply co-opting disability experience and politics for our own personal gain, rather than creating a movement for liberation. Rather than use naïve and problematic analogies, I'd like trans activists to team up with disability activists to take on the medical establishment to get the kind of health care we all deserve.

In general disability politics has a lot to teach the trans liberation movement about bodily difference and how some bodies get defined as normal and others do not, how to resist wholesale medicalization of bodies and identities. I think of the long standing argument that trans activists are embroiled in about the DSM and Gender Identity Disorder (GID). Does the diagnosis that trans people use to access medical technology belong in the DSM; is transness a disorder, a *psychiatric* disorder; where does it belong if not in the DSM? This conversation has been, and continues to be, long and fraught. The details are important, and I find

myself in agreement with parts of both arguments. But in the end, I think we're asking the wrong questions.

The debates have highlighted the need for a diagnosis for transsexuality because diagnosis is often the only avenue available for accessing needed and chosen medical technology. They have underscored the differences between a psychiatric diagnosis and a medical diagnosis. They have articulated the trouble with the word *disorder*. But we have not questioned the core relationship trans people have to the very idea of diagnosis. Many of us are still invested in the ways we're medicalized and how doctors define us. Some of us come out by saying, "I have Gender Identity Disorder," explain and defend our choices by referencing this diagnosis. We praise our doctors, defend their quirks, rail against them, measure our transitions in medical language.

In counterpoint, the disability rights movement has taught me the importance of resisting the wholesale medicalization and pathologizing of any identity. Disabled people may need to use medical technology for our life's breath, but it doesn't mean that our bodies, our beings, are medical conditions. By leaning into disability politics, trans people could learn much about the pitfalls of medicalization of identity and the power of defining ourselves from the inside out and stepping away from the shadow called *normal*. If we defined ourselves on our own terms rather than through the lens of medicine, we'd still care about finding good doctors and getting good medical treatment, but our bodily truths wouldn't ultimately be medical truths. From this place of power, the question of psychiatric versus medical diagnosis would become less pressing.

At the same time, the issues surrounding psychiatric diagnosis are completely crucial for folks trapped inside the psychiatric establishment,

for gender variant youth dealing with institutionalization and surviving psychiatric abuse, for trans people who are drug users and can't find treatment programs because their transness is already seen as a psychiatric illness. With a disability politics, we could learn to use diagnosis without being defined by it, all the while resisting the institutions that hold power over us. Simply changing where GID lives without changing our relationship to the idea of diagnosis won't even go half the distance toward liberation.

In the end I'm reaching toward a disability politics of transness, not one of simple analogy, but one that reaches deep into the lived experiences of our bodies, that questions the idea of normal, the notion of cure, a politics that makes bodily difference ordinary and familiar, that works against shame, against medicalization of identity, a politics that could inform both our strategy and sense of self. ■

Writer and rabble rouser, Eli Clare has spent the last 20 years as a queer activist, a disability rights activist, and a peace activist. He's the author of Exile and Pride: Disability, Queerness, and Liberation (South End Press, 1999); has worked with Not Dead Yet, a disability rights organization that opposes physician assisted suicide from a progressive, secular perspective (www.notdeadyet.org); and helped organize the first ever Queerness and Disability Conference in 2002 (www.disabilityhistory.org/dwa/queer/proceedings.html). He lives in Vermont and works at the University of Vermont's LGBTQ Services (www.uvm.edu/~lgbtqa).

Resources

Disability and Queer Identity (mostly lesbian and gay)

Books

Brownsworth, Victoria and Raffo, Susan, eds., *Restricted Access* (Seattle: Seal Press, 1999).

Clare, Eli, *Exile and Pride: Disability, Queerness, and Liberation* (Cambridge: South End Press, 1999).

Fries, Kenny, *Body, Remember* (New York: Dutton, 1997).

Guter, Bob and Killacky, John, eds., *Queer Crips: Disabled Gay Men and Their Stories* (New York: Harrington Park Press, 2004).

Luczak, Raymond, ed., *Eyes of Desire: A Deaf Gay and Lesbian Reader* (Boston: Alyson Publications, 1993).

Tremain, Shelley, *Pushing the Limits: Disabled Dykes Produce Culture* (Toronto: Women's Press, 1996).

Web Sites

Bent Voices (<http://www.bentvoices.org>).

Crip Commentary (<http://www.cripcommentary.com>).

Queer Disability Conference (2002) (<http://www.disabilityhistory.org/dwa/queer/proceedings.html>).

General Disability

Books

Finger, Anne, *Past Due: A Story of Disability, Pregnancy, and Birth* (Seattle: Seal Press, 1990).

Fleischer, Doris Zames and Zames, Frieda, *The Disability Rights Movement: From Charity to Confrontation* (Philadelphia: Temple University Press, 2001).

Fries, Kenny, ed., *Staring Back: The Disability Experience from the Inside Out* (New York: Plume, 1997).

Shapiro, Joseph, *No Pity: People with Disabilities Forging a New Civil Rights Movement* (New York: Times Books, 1994).

Periodicals

Mouth (4201 SW 30th St., Topeka, KS 66614).

Ragged Edge Magazine Online (<http://www.raggededgemagazine.com>).

Why Trans Is Not Intersex and Vice-Versa, with Remarks on the San Francisco Human Rights Report on the Medical Normalization of Intersex People

BETSY DRIVER
BODIES LIKE OURS

When I first submitted a proposal to Paisley Currah for the conference, it might have been one of the briefest proposals I've ever put together. I believe I titled it "Why Trans Is Not Intersex and Vice-Versa." However, this morning, I want to talk about that very briefly, but I've also decided to speak about a very important new document.

An important report was released on May 3, 2005, by the City of San Francisco Human Rights Commission, entitled "The Human Rights Investigation into the Medical Normalization of Intersex People." Frankly, it is damning about current medical protocols. Its first finding says that it is inherently a human rights abuse the way that intersex people are treated in the United States and elsewhere.

The report was two years in the making and, when I got the phone call about it, I was literally jumping up and down and crying. I was just so proud of it all. It was a lot of hard work by a lot of very dedicated people who had a lot of tenacity. I was proud of the fact that a whole lot of people, intersex people, trans people and people neither intersex nor trans, were able to come together and put together this 110-page report. It really is a testament as to what allies can do.

One of the reasons it worked so well was because everybody was clear as to

what intersex is and what the issues are. It recognized precisely the definition of intersex.

It's important to understand this: it is simply a congenital variation of the genitals and our reproductive system, possibly including the chromosomes that differ from what medicine and society claim are standard male or female.

That definition says a whole lot. There are approximately 72 different intersex conditions, some of which are much more common than others and some so rare that even I, as an activist, have yet to encounter people with them. But those conditions exist and it is all part of the medicalization of our bodies and that medicalization has consequences for our identities growing up, how we are defined to the world, and how we end up defining ourselves as adults.

Even though I just gave you a real medicalized definition, intersex is not a medical pathology in itself. I get emails from people fairly frequently who say

they need to find a doctor so they can be diagnosed with intersex. When I write them back and say you can't be diagnosed with intersex—that it's not a medical diagnosis—sometimes the reaction isn't very nice. I try to gently guide people and say, well maybe if think you have some type of intersex condition, you want to go check out your chromosomes, maybe see an endocrinologist.

What's happening in such a situation is that, often, the people writing to me are trans folks hoping to get easier access to hormones and medical care. But somebody who has had a lifetime of forced hormones may not necessarily be the best person to ask; of course, I am sympathetic and I try to do what I can do to point them in the right direction.

It's not a social pathology and it's not a behavior. It's not someone you sleep with. You cannot wake up one morning and decide that you are intersex. You may, over the course of

a period of time, discover that you are intersex, but you are not just going to wake up and decide that you are. One of the things I will often talk to people about is there are some situations, say Klinefelter's, where there's an xxy condition that gets discovered, very subtly, during adulthood, often with reproductive testing because of infertility.

With intersex, there is often a life-time of shame and secrecy. There is a life-time of invasive medical exams and sometimes surgeries done during childhood, including cosmetic surgeries done on our genitals to make them fit into what society and medicine calls "standard" male and female. In this context, it is certainly not a choice.

Intersex is not a gender in itself, although many people with intersex do identify as intersex with a gender.

It can be confusing when the definitions as to what actually constitutes an intersex condition are often in conflict. *However, one of the issues that emerges when we try to conflate intersex and trans issues is that people ignore the immediate social emergency facing people with intersex, specifically the unnecessary surgeries and unwanted hormonal treatment given without the consent of the person.* Even though people with intersex and trans people have similar problems with stigmatization, the conflation of intersex and trans ironically reinforces the transphobia and homophobia that is prevalent in the current protocol.

If we can be clear about the differences, I maintain that we can deal with the homophobia and transphobia that are so rife in the way that intersex is treated, and which is outlined very well in the San Francisco human rights investigation. We can make people recognize that our genitals and our chromosomes have nothing to do with our identities and who we are. Conflating the issues ignores the childhood trauma of growing up with your body

put on display as a daily freak show.

The even worse part about all this, and I mention it hesitantly, is that there is an incredible amount of transphobia within the intersex community. I have yet to figure out where it comes from, but ironically, the bulk of it that I encounter is from individuals who were sex re-assigned in infancy and who eventually do reclaim the gender that they were before it was stolen by a scalpel.

And when I see people trying to conflate the issues, I then see a bigger gap growing, as opposed to working together and focusing on the same goals of eliminating stigmatization, medical treatment without consent, homophobia and transphobia.

The Report

Because of this report, I've been in contact with a number of journalists over the past several days. Otherwise very well meaning, they sometimes ask, "What was it like growing up as an intersexual?" I'll reply, "What was it like growing up as a male-sexual?"

Last night, I googled "intersexual," as I've done often. Thousands and thousands of sites, and, for the bulk of it, you will not find a single "intersexual" organization. We don't call ourselves "intersexuals." It's a media word. It's a word that other people use to further stigmatize us.

What made this intersex report work was that the no one co-opted the work around intersex issues.

I want to read the opening paragraphs from the San Francisco Human Rights Commission press release that went out about the report:

"The San Francisco Human Rights Commission today announced the release of its report *A Human Rights Investigation into the Medical "Normalization" of Intersex People*. The report is the result of a two-year project that

investigated concerns expressed by intersex people.

"The Commission held a public hearing on May 27, 2004 to hear testimony on the issue of 'normalizing' medical interventions being performed on intersex infants and children. 'Intersex' is a general term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of female or male. People with intersex anatomies asked the Commission to explore the question of unwanted, 'normalizing' interventions performed on intersex children.

"Normalizing' interventions are medically unnecessary genital surgeries and hormone treatments performed on intersex infants and children solely to assign a sex or gender. These procedures also are used to alter genitalia and other physical characteristics so that they conform with social standards for male and female bodies. These interventions are not performed for the treatment of physical illness or to alleviate pain. Instead, these surgeries are irreversible, often causing disruption of bodily functions, pain, and the need for additional surgeries."

The report states outright that normalizing interventions are medically unnecessary. These historic hearing, study, and this report were the first time that a government entity in the United States addressed this topic. And they provide, really, a roadmap for us. ■

The full text of the press release by the San Francisco Human Rights Commission follows.

San Francisco Human Rights Commission Calls For End To Medically Unnecessary Surgery On Intersex Children

NEWS RELEASE

May 3, 2005

City and County of San Francisco

Gavin Newsom

Mayor

Human Rights Commission

Contract Compliance

Dispute Resolution/Fair Housing

San Francisco Disadvantaged Business

Enterprise

Lesbian Gay Bisexual Transgender &

HIV Discrimination

Virginia M. Harmon

Executive Director

For information contact Marcus Arana

at (415) 252-2519

or Larry Brinkin at (415) 252-2510

SAN FRANCISCO HUMAN RIGHTS COMMISSION CALLS FOR END TO MEDICALLY UNNECESSARY SURGERY ON INTERSEX CHILDREN

Improper Use of Medical Interventions Seen As Human Rights Abuse

The San Francisco Human Rights Commission today announced the release of its report *A Human Rights Investigation Into The Medical "Normalization" Of Intersex People*. The report is the result of a two-year project that investigated concerns expressed by intersex people. The Commission held a public hearing on May 27, 2004 to hear testimony on the issue of "normalizing" medical interventions being performed on intersex infants and children.

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The historic hearing was the first time that a governmental entity in the US had ever addressed the topic of intersex from a human rights perspective. Commission Chair Malcolm Heinicke said, "We hope that this report will foster a better understanding of the issues facing intersex people and their families. Families should be given the opportunity to make decisions regarding medical procedures with complete information, and not in unnecessary and limiting haste."

Specifically, the Commission became concerned that homophobia, transphobia, and heterosexism were strong social forces that contributed to the decision-making process for assigning sex and gender to intersex children through "normalizing" genital surgeries and sex hormone treatments. The

report is a summary and compilation of materials, testimony, and information submitted by people with intersex anatomies, parents of children and adults with intersex anatomies, medical providers, academics, legal experts, advocacy groups, representatives of City agencies and departments, and the public. The Commission's Executive Director Virginia Harmon said "We are grateful to intersex people for bringing these concerns to the Commission's attention, and for providing the Commission an opportunity to facilitate a dialog between intersex people, their families, and medical providers."

After diligent review of the testimony and medical and academic research materials submitted, the Commission found that "normalizing" interventions are medically unnecessary, are not medical or social emergencies, and that such interventions performed without the patient's informed consent are inherently human rights abuses. The Commission has recommended that "normalizing" interventions never be performed in infancy or childhood, and that any procedures that are not medically necessary only take place when the patient gives legal consent. The Commission further has recommended that a patient-centered treatment model be implemented, emphasizing peer support, access to information, openness, treating the child as the patient, and honoring a person's right to make informed choices about their own body.

Copies of the report are available online at www.sfhrc.org. VHS Tapes or DVDs of the May 27, 2004 Intersex Public Hearing are available online at <http://sunset.ci.sf.ca.us/sfgtv.nsf>. ■

The Tennessee Transgender Political Action Committee

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We had a Marriage Constitutional Amendment on our ballot this November. We organized a statewide campaign to defeat it. The Tennessee Constitution has a unique requirement that Constitutional Amendments must receive a majority of the votes cast in a Governor's election. We believe we can keep the "yes" vote below that threshold. Furthermore, this campaign will encourage more GLBT persons and allies to come out of the closet, which will pay long-term dividends.

Our prime focus is on political lobbying. By raising awareness of the Transgender community in the state legislature and discussing issues of concern to Trans people, we are getting elected officials to take us seriously. We are also developing key allies in the process who will help kill anti-GLBT legislation.

When we formed, we had four major issues:

- Tennessee employment non-discrimination legislation
- Transgender coverage in the Tennessee hate crimes law
- Repeal of the Tennessee Defense of Marriage Act
- Establishing the right to change gender on Tennessee birth certificates.

We have shown flexibility by adding other issues in areas of health care,

personal documentation and parental rights when they have arisen.

The biggest challenge is to overcome the historical inclination of most Trans people to be invisible and to assimilate as much as possible. We need more people who are willing to stand up and speak for themselves. This is a national problem. We also have to develop a Transgender community identity. Since most of us grow up alone and isolated, we tend to think that way as adults. We have to change that. In order to increase our visibility as a community, those of us who are out have to lead the way.

On February 21, eight members of the Transgender community participated in the Tennessee Equality Project's Second Annual Advancing Equality Day on the Hill, the largest one day lobbying effort by the Transgender community in the history of the Tennessee General Assembly. We came from all three Grand Divisions, and

included Transmen, Transwomen, one parent and one partner. We showed the face and diversity of the Transgender community, to both our legislators and the broader GLB community of Tennessee.

By working in a Southern state which is generally defined as a "red" state, but which, more accurately, is a swing state, we are pushing the boundaries of what the Transgender community can do politically. If our efforts and success can inspire others in states with a larger progressive base, then we will all benefit from victories achieved elsewhere.

In 2004, we were part of a coalition to defeat a ban on civil unions. In 2005, we were part of a coalition to defeat a ban on same-sex couples adopting children. We also worked in 2005 and 2006 to keep language out of one bill that would have required the use of the DSM-III as a qualification for County Constables.



Participants from the Transgender community from across the state at Advancing Equality Day on the Hill, February 21, 2006. This is an annual GLBT Lobby Day at the State Capitol organized by the Tennessee Equality Project.

There are some obvious measures of success, like winning key votes to defeat discriminatory legislation. In the future, we hope to win votes, more broadly, in favor of equality. In the meantime, the alliances we build and the increase in visibility are also key measures of success.

In 2005, our Legislative Report listed a number of important legislative and public policy achievements, goals and hurdles:

The 1st Session of the 104th Tennessee General Assembly adjourned on Saturday, May 28, 2005.

- *Anti Bullying Policies:* TTPAC supported SB1621/HB2114 which requires local school districts to establish anti bullying policies covering sexually based harassment. This bill was signed into law by Governor Bredesen on May 19. TTPAC will work with local school districts to ensure that policies cover all students who are gay, lesbian, bisexual or transgender.

- *Ban on Same Sex Couples Adopting Children:* TTPAC was part of a coalition of organizations which successfully fought to defeat HB0775 in the House Children and Family Affairs Committee.
- *Higher Education:* TTPAC successfully opposed SB1911 which would have banned public institutions of higher learning from using sexual orientation or transgender status in admissions, rules or policies. TTPAC felt this bill would have eliminated anti-discrimination policies in place in three Tennessee universities, and would have precluded adoption of additional non discrimination policies in higher education. This bill was defeated in the Senate Education Committee.
- *Birth Certificates:* TTPAC was successful in getting SB0037, a bill which would allow post operative transsexuals to change the gender line on their birth certificates, passed by the Senate General Welfare, Health & Human Resources Committee. There has not yet been a vote in the full Senate.

- *Study on Health Care Disparity:* TTPAC was unsuccessful in getting “gender identity” added to HJR0091. This authorizes TennCare to conduct a study on disparity in health care based on several categories, including sexual orientation.
- *Constitutional Amendment Against Marriage Equality:* TTPAC was part of a coalition of organizations that fought unsuccessfully to defeat the Amendment.

TTPAC also opposed several other bills, which did not have votes in 2005, that would have denied equality or equal opportunity based on sexual orientation and gender identity.

TTPAC will continue to work for equal rights legislation including transgender persons, and will continue to oppose any legislation denying equality. ■

Trans and SOFFA (Significant Others, Friends, Families and Allies) Aging Issues/The Role of SOFFAs in the Trans Community

LOREE COOK-DANIELS
FOUNDING EXECUTIVE DIRECTOR,
TRANSGENDER AGING NETWORK (TAN)

Listen closely to people talk about “old people” and you’ll notice something interesting. Almost without exception, people of every age, including those of us in our 70s, 80s, and even 90s, routinely talk about “old people” as a group to which we do not belong. If pressed, we nearly always define “old people” as someone older than us, as though the dictionary definition of “old” is always our particular age plus 10, 20 or 30 years.

This is a result of is ageism. Consider the following: there is no better example of a continuum than age; we get older literally every moment. Live long enough, and we experience nearly every age. At least some of those ages must cross the invisible line into “old.” So, why do so few of us see “old” as a category to which we belong? Because, quite simply (at least in much of North American culture), people associate being “old” with a host of negative qualities. What, precisely, is “wrong” with being old varies from person to person, but typically includes such unpleasant things as being dependent, powerless, isolated and purposeless. Being “old” is also associated with experiencing pain and facing death.

One of the ironies of ageism is that we participate in creating our own worst nightmares. There is some degree of truth to the stereotype that old people are lonely because we structure our society by age. Instead of integrat-

ing people of all ages into all of our social institutions, we design schools for children and adolescents, colleges for people in their late teens and early 20s, workplaces for those in their 20s to 60s, and “senior centers” and “retirement homes” for those who are 60 and older. Losses accumulate for old people not just because we have had more years in which to experience the loss of someone or something important, but also because there are fewer balancing additions to our lives. People of all ages participate in creating and maintaining a society in which “old people” are not expected to contribute to society on a daily basis, to regularly make new, sometimes younger, friends, to constantly learn new things, or to routinely train, mentor and support others.

A great portion of what needs to be done to address “aging” issues needs to be done by individuals, in our own minds and lives. How are we creating a world in which “old” people play

active parts? Are we designing our *own* lives to be worth living up to the very end, or are we avoiding thinking about the black hole of old age, hoping that someone else will create a better environment for old people by the time we become “old”?

Another important reality of in addressing “aging” issues is recognizing that the typical issues of old age are not, in fact, age-specific. People of any age can have chronic health problems, have mobility impairments, be unable to drive, need help completing chores, need nursing home care, lose lovers, partners and friends, be discriminated against in housing and education or find themselves un- or under-employed. Although it is statistically true that some of the events in this list are more likely to happen to people of advanced age, the social, organizational and political structures that deal with these issues should be based not on age, but on need.

Many solutions are well within the reach of individual people, organizations and agencies: some questions to ask in order to develop those solutions are:

- Is your meeting place accessible?
- Do you help arrange transportation for those who cannot provide their own?
- Do you provide individual support and advocacy to those who are experiencing a key loss or trauma?
- Are event scholarships available to those of low income?
- Do you look to “retired” people as sources of speakers, mentors or potential friends?
- What assistance are you giving SOFFAs of transitioning persons of any age?
- If you offer trans sensitivity training to health care providers, are you advertising that training to home health care providers and nursing home staff?
- Are local aging organizations—particularly those focusing on “LGBT” issues—on the list of those to whom you routinely send event announcements?

These questions raise public policy issues that must be addressed. However, for the most part, these questions and the public policy issues involved are neither trans- nor aging-specific. The number of people in the U.S. who do not have health insurance and can't afford to pay for medical care is huge; passing universal health coverage legislation would help millions of non-trans people of all ages in addition to helping trans elders who can't afford hormones or surgery due to exclusions from

Medicare or Medicaid. More than only trans elders would benefit if laws were changed to expand who is considered a “surviving dependent” under Social Security rules. Improving the amount and accessibility of public transportation would improve the access of working-class cisgendered folk to higher-paying jobs, as well as increase the ability of isolated (trans or non-trans) elders to participate in community life. Trans elders are not the only ones who are mortally afraid of nursing homes; everyone would benefit if we ensured that residents of institutions like nursing homes and group homes had access to community events, continuing education and people in general. Our public advocacy efforts should not be narrow; most of what old trans people need, many people need.

At the same time that we urge people not to segregate by age and gender status, the Transgender Aging Network (TAN) works to educate providers of aging services specifically about transgender and trans-SOFFA issues. We are involved in the American Society on Aging Lesbian and Gay Aging Issues Network (LGAIN), bringing a trans- and SOFFA-savvy voice to its leadership council and its publication, *OutWord*, and presenting workshops at the mainstream group's annual conferences. We also work closely with national lesbian, gay, bisexual and transgender aging organizations such as the National Gay and Lesbian Task Force's Aging Roundtable, Senior Advocacy in a GLBT Environment, and the LGBT Aging Task Force of the American Psychological Association.

TAN also supports a free national listserv for service providers, advocates, researchers and others, to promote the sharing of announcements (including, for example, calls for survey or research participants, new publications, and events for trans elders) and to provide a forum for questions and networking.

An easy way to help raise awareness about trans aging issues among service providers is to let them know about this resource. TAN also sponsors ElderTG, a free peer support listserv for trans/SOFFA individuals age 60 and older, in recognition of the fact that many such individuals feel that their issues differ from those of younger trans people and SOFFAs. This listserv is a great place to refer older trans/SOFFA individuals. In addition, people could go a step further and teach an elder how to set up and use a free email account at their local library, or by allowing an elder to borrow a computer now and then to check and send list mail. Information on how to subscribe to either listserv, plus many free, downloadable publications about trans aging issues, are available at www.forge-forward.org/tan/index.php.

Overall, however, it is worth keeping in mind that the best way to address trans aging issues is to ensure that old people are included in your life now, and that your life plans include becoming old. When it comes to aging, we are creating now the lives we will lead later. Choose to be proactive.

The Role of SOFFAs in the Trans Community

It is no secret in the trans community that transphobia can be deadly. We even have websites and an annual Day of Remembrance to help us keep track of who died because of transphobic murderers. The list of names of our dead is long. One of them is Philip DeVine, a young man killed in the home of a friend on December 31, 1993.

Oh, wait, he is not on the Remembering Our Dead list.¹ Neither is his host, Lisa Lambert, who was murdered with him. And we can't expect a list of the dead to include the name of Tanner

Lambert, who was “just” orphaned that night by transphobia (the murderers left the baby alive in his crib). Well, the event was not wholly overlooked: Remembering Our Dead lists Brandon Teena, the third person killed in Lambert’s Humboldt, Nebraska, home that night.

The fact that most trans people who recognize Brandon Teena don’t know the names of the others who died with him or who were affected by their murders is not an isolated aberration. It is an example of a pervasive view within the trans community that the only people who face transphobia are trans people themselves. This belief, in turn, leads to policies—both public policies and practices within the trans community itself—that neglect to address and protect what is, arguably, the largest segment of those affected by transphobia: cisgendered significant others, friends, families and allies (SOFFA).

The term SOFFA is meant to encompass nearly all of the people in a trans person’s life. Parents, grandparents, children, siblings, roommates, teachers, ministers, physicians, therapists, neighbors, even the grocery store clerk and bank teller all fall under the “SOFFA” umbrella. Although some trans people seem to define SOFFAs as “the people who have to learn to accept my gender,” SOFFAs are often as affected by transphobia as trans people, yet have fewer support and policy resources to help them deal with these assaults.

In addition to being victims of violence and even murder, known SOFFAs of trans people have been subjected to job loss and employment discrimination, housing discrimination, loss of legal benefits and health care hassles. For instance, Social Security denied survivors’ benefits to one young teenager, ruling that a state law that treats the husband of a mother

as the child’s legal father did not apply in this teenager’s case. Because Social Security had a birth certificate showing his father had been born female and because the FTM had not separately obtained a legal adoption, Social Security ruled the marriage fraudulent and the child fatherless. Other children, partners and parents of trans people have had their health or mental health care consultations derailed by providers’ prejudices, assumptions or even hostility when routine family history or reproductive health questions revealed the existence of a trans family member. Non-trans researchers and professionals who specialize in transgender issues have also had their careers damaged by transphobia; it is widely known that there are many professionals who serve our community but decline to be listed on resource lists to avoid negative feedback from colleagues or other clients. In addition to facing direct discrimination, SOFFAs are often also victimized whenever a trans person loses a job or is denied the right to marry, adopt, obtain child visitation or access health insurance coverage.

Perhaps more than they experience outright violence and discrimination, SOFFAs face transphobia in social settings. There are many stories of cisgendered SOFFAs being disowned by their families due to starting or continuing a relationship with a trans person; at least one cisgendered partner is known to have committed suicide when her family disowned her after they learned her partner was trans. More routinely, SOFFAs are subject to curious (sometimes hostile) questioning by everyone down to and including the newspaper carrier. Although these questions and comments are certainly heard by trans people, many SOFFAs report that people who would never dare ask a trans person such intimate questions as what their genitals look like have no such compunctions about asking the

partner, child or parent.

Perhaps the most vulnerable time for SOFFAs is right after the trans person “comes out” as trans. Even when the trans person is doing the “coming out” to others without the partner, parent or child being present, it is the closest SOFFA that most others turn to for hints on how to react. They want to know: how does this affect YOU? If the closest SOFFAs seem okay with the news, other SOFFAs will often follow their lead. Similarly, if the closest SOFFAs are still struggling with the implications of the news, other SOFFAs will typically become angry at and rejecting of the trans person, as well; this is often when we hear allegations that the trans person is being “selfish” or “uncaring.” Even if the trans person is not actively coming out to people, if she or he is beginning a physical transition, the visible, public nature of that process may prompt people to approach the trans person’s close SOFFAs with questions and concerns. If the primary SOFFAs have not yet had enough time to gather information and work through their own internal processes of adjusting to the change, these early confrontations may tend to push them into a defensive position that sometimes, in turn, evolves into anger or a decision to distance themselves from the perceived source of the distress, the trans person.

Unfortunately, many of the existing efforts to extend legal protections to trans people do not include SOFFAs who are also at risk. It is not clear if SOFFAs harmed in transphobic violence will be counted in hate crime statistics, or covered by the new trans anti-discrimination laws (some cases have found these kinds of laws also pertain to those who are “associates” of covered classes, but other courts have ruled the opposite). Trans education programs for health care providers and others seldom include SOFFA issues, and some lesbian, gay, bisexual and

Resources

TransFamily:

www.transfamily.org

TransFamily is a support group for transgendered and transsexual people, their parents, partners, children, other family members, friends and supportive others. We provide referrals, literature and over-the-phone information on all transgender issues. We also sponsor many email listservs for various types of SOFFAs.

Children of Lesbians and Gays Everywhere:

www.colage.org

Despite its name, COLAGE is extremely trans-friendly and includes many adult and teenage children of trans people.

Straight Spouse Network:

<http://www.ssnetwk.org/>

The Straight Spouse Network supports non-LGBT spouses of LGBT individuals. SSN offers email listservs, in-person groups, and resources.

Parents Families and Friends of Lesbians and Gays:

<http://pflag.org/TNET.tnet.0.html>

The Transgender Network of PFLAG includes information on trans-inclusive in-person PFLAG chapters and other resources.

Making Safe Space:

<http://www.forge-forward.org/handouts/MakingSafeSpace.htm>

“Making Space Safe,” by Loree Cook-Daniels (2001), is an article that examines methods of designing and running support groups and workshops that are both SOFFA-inclusive and “safe,” and discusses why the trans community is harmed when we sponsor separatist groups.

FORGE-FORWARD:

SOFFA Questions and Answers: <http://www.forge-forward.org/handouts/SOFFA-QA.pdf>

“SOFFA Questions and Answers: A FORGE FAQ” handout answers some common questions about SOFFAs.

<http://www.forge-forward.org/handouts/SOFFA-Healthcare.pdf>

“SOFFAs Interfacing with Health Care Professionals,” by Michael Munson and Loree Cook-Daniels, FORGE (2001) explores the ways in which transphobia may affect the health care SOFFAs receive.

Trans Forming Families: Real Stories about Transgender Loved Ones (2nd edition.)

Edited by Mary Boenke, 2003. This book includes essays by 40 SOFFAs and trans individuals.

transgender (LGBT) programs have refused to serve non-trans SOFFAs who have been subjected to violence or other discrimination.

Even support programs for transgender people often exclude SOFFAs. Sometimes this exclusion is an oversight or results from the lack of a “critical mass” of SOFFAs to assure a new SOFFA visitor that she or he is welcome in the group. However, many groups explicitly exclude SOFFAs, arguing that trans people need a “safe” place apart from SOFFAs to discuss trans issues. This stance, unfortunately, tends to re-invigorate the myth that “most” trans people lose their families during transition: not only are supportive SOFFAs invisible to other trans people, but other SOFFAs who otherwise might be mentored and supported by them are left to flounder on their own. It should surprise no one that people who have no information and support in adjusting to a transition more often abandon their trans loved one than do those who are supported in working through their issues and relationship changes. Nor should we be surprised that trans people who learn about the adjustments SOFFAs have to make from others’ post-adjustment SOFFAs are more successful at supporting and holding onto their own SOFFA circle.

In addition to contributing to the isolation of individual trans people, our community’s failure to routinely include SOFFAs within the community itself and as integral parts of our policy and education efforts weakens our effectiveness. Getting individuals to identify with a group is a powerful way to make them an ally. It is far easier for many cisgendered people to imagine having a trans loved one than it is for them to imagine questioning their own gender identity. Therefore, when we don’t include SOFFAs in our education panels, we lose a key tool for connect-

ing with our audience. SOFFAs are also sometimes in a better position than trans people to do advocacy; it is the parent of a trans kid who is going to press a school district into admitting a 10-year-old MTF as a girl, not the student herself or the local trans advocacy group. Similarly, it is most likely going to be a SOFFA who is going to be the most important advocate for a trans person who is badly injured or dead. SOFFAs are also often the ones telling our stories and spreading knowledge that trans people exist; my father-in-law, an extrovert, seems to talk to far more people about his FTM child than my introverted partner and I could ever come out to ourselves.

The solution to the SOFFA problem can be summed up in one word: inclusion. When SOFFA stories are as welcome and heard at trans support group meetings as are trans people's stories, it will become easier for trans people to come out *and* keep their family and friends. When SOFFAs are routinely included on trans public education panels, audiences will begin to feel more connected with our issues. When the stories of discrimination and violence against SOFFAs are told as often as are the stories about discrimination and violence against trans people themselves, more potential allies will understand how transphobia could harm them, too, and be motivated to join our educational and advocacy campaigns. ■

¹www.rememberingourdead.org

Social and Political Change and the Transgender Movement

KYLAR BROADUS

Our struggle in fighting for the rights of transgender people has just begun. Yet, in some cases, the transgender movement has made great strides. We have accomplished much in a short time. We are on television, CNN, network and pay-per-view TV, in magazines, on the radio, in newspapers and books. We are running for offices on the local, state and national level. We have been able to forge allies with the “gay” movement because our issues are similar. Non-transgender gay people and transgender people of all sexual orientations are discriminated against because of not conforming to rigid societal gender stereotypes.

However, even with these advances, we are still brutalized and sometimes ostracized by society. The unemployment rate is extremely high for us and those who are employed are most likely under-employed; we have no health insurance coverage for basic needs, because of unemployment in some cases, and most insurers do not cover the needs of those transgender people that wish to transition. Unemployment and underemployment cause anyone to feel disenfranchised by society and leave a feeling of not being considered worthy enough by other people to be treated as human beings. Lack of health insurance also adds to these feelings. There are no federal laws that provide protections for transgender people in the United States and courts are just beginning to interpret Title VII as providing protection for

transgender people in employment. Hence, there has been a patchwork of local and state non-discrimination ordinances and laws, as well as employer, university, college and church policies, that acknowledge and accept transgender people.

There are many ways to impact society and the justice system. Combining activism with proactive legal work and cross-identity and cross-issue organizing are the things that will make our movement most effective and have the most impact. Suzanne Pharr writes in *Reflections on Liberation* that:

Justice Seeking people must call into question our methods of organizing. Often we have thought that effective organizing is simply being able to move people as a group, sometimes through manipulation, to act in a particular way

to achieve a goal. Too often the end has justified the means, and we have failed to follow Gandhi's belief that every step toward liberation must have liberation embedded within it. By concentrating on moving people to action, we have often failed to hear the voice of their spirit, their need for connection and wholeness—not for someday after the goal has been gained, but in the very process of gaining it.

We must organize more holistically and not be single-minded, only focusing on our very own issue. We fail to look at how an issue might affect others that we are allied with and the impact on our own process, focusing instead only on the end result. We must also keep in mind the rights of everyone that stands besides us, and understand what impact the outcome we seek will have.

One example would be in the area of hate crimes. It is true that most crimes perpetuated against transgender and gay people are based upon someone's fear or phobia, which causes them to act out. However, most hate crime penalties disproportionately affect people of color and poor communities. So, what affect does the outcome of enhanced penalties to deter crimes against transgender and gay people have on transgender and gay people of color and poor people? Was this considered as part of the way to obtain the goal?

Pharr also writes that, "[W]e must redefine winning. Our social change has to be more than amassing resources and shifting power from the hands of one group to another; we must seek a true shift in consciousness, one that forges vision, goals and strategies from belief, not just from expediency, and allows us to become a strong political force." It seems that, in our struggles, we only focus on moving power from

one political party or person to another. Does this achieve the ultimate goal to prevent the inhumane treatment of human beings? Have we done anything to change the structure in which we live? This is paradoxical because, if not, we haven't really created social change. An example would be President Clinton's first term in office: people were sure that the "Don't Ask, Don't Tell" policy instituted by the military would be dismantled. More than ten years later, the policy still exist. Yet, it's just when we're at war that it doesn't matter and the military is willing to use us up and have us die for the "cause." This is reminiscent of many other wars when soldiers of color were used during wartime, but were booted out of the military after the war and not treated like human beings when they returned home. So, until we do more than shift power and work at dismantling the current framework, we will not move forward. In our efforts to do this, we must broaden our view.

How do we transform organizations and individuals? Pharr writes that "We lack political integrity when we demand liberation for one cause or one group of people and act out oppressions or exploitation toward others. If we do not have an integrated analysis and a commitment to sharing power, it is easy to act out politics that simply reflect a hierarchy of domination." Most organizing for social change has used diversity and identity politics. The idea of diversity means including everyone and uniting individuals around common issues; however, there are considerations not taken into account or considered by activist as we do our work.

According to Pharr, diversity looks at shared power but fails to recognize the trade-offs that must be made by individuals. This means that we do not acknowledge that most people don't want to give up their power and are threatened by the idea of doing so, creating mistrust and contempt for others

that wish to share power. This helps to fuel the idea of a division between "have" and "have-nots," which impedes progressive change. Most social change organizations, like corporations, have leadership that tends to be exclusive: mostly white and middle class. These organizations, while doing work for a greater cause, fail to look at underlying internal issues. These issues include questions such as why organizations are not inclusive and why it's hard to retain people that do not fit the "status quo," such as people of color. Or, why, despite the diversity at the table, some still do not feel empowered to speak and even those that speak are not heard. Are their opinions considered less credible by the "status quo"? Pharr argues that "The danger of diversity politics lies in the possibility that it may become a tool of oppression by creating the illusion of participation when in fact there is no shared power." This danger is then made worse because most people live under the illusion that there is a level playing field, which perpetuates the oppressive cycle.

Pharr observes that "Having a presence within an organization or institution means very little if one does not have the power of decision making, an adequate share of the resources, and the participation in the development of the work plan or agenda. We as oppressed people must demand more than acceptance. Tolerance, sympathy and understanding are not enough, though they soften the impact of oppression by making people feel better in the face of it. Our job is not to just to soften blows but to make change, fundamental and far-reaching." Boards, organizations and corporations claim that they cannot find transgender people, gays, people of color or women. Or, they recruit individuals that will not "rock the boat" and challenge the status quo. These entities will also rely on each other for recruitment purposes, keeping it in "the family" so to speak.

It keeps things safe and continues the illusion of diversity even while oppressed groups are silenced. Often the rhetoric is something like this: “There they go again! Why do the trans people always have to play the ‘transgender card’? Haven’t we given them enough already?” These are attempts, conscious or otherwise, to silence people and maintain the current balance of power.

Our movements have used identity politics to unify and empower people. However, as with diversity, identity politics often fails to recognize the complexity of identity. People are not just affected by their race or sex, alone. So, if organizing is predicated upon identity, we fail to acknowledge a person’s total existence and address all the oppressions a person might encounter. Cornel West argues that “American liberalism diffuses the claims of American radicals by pointing to longstanding democratic and libertarian practices, despite historic racist, sexist, class and homophobic constraints. Hence, any feasible American radicalism seems to be but an extension of American liberalism. Needless to say, the sacred cow of American liberalism—namely, economic growth achieved by corporate priorities—is neither examined nor interrogated. And those that do are relegated to the margins of the political culture.”

If our movement can look at the complexity of diversity and recognize its limitations, we would forge a much stronger social movement. And we must also recognize the complex nature of identities and learn to incorporate multi-identity organizing into our efforts. We should not be led astray by being afraid or ashamed to be radical in our thoughts and actions. We can acknowledge that we work within a framework that makes it hard to do these things, but the difficulty does not mean that we should not make the effort. And by doing so, we increase our chances for change.

A Note on the Role of Lawyers and the Justice System.

There are many questions about how legal changes can work more effectively with other kinds of activism to forge social change.

Cornel West offers some important arguments about the role of legal change to progressive and radical politics. West writes that:

The fundamental forms of social misery in American society can neither be adequately addressed nor substantially transformed within the context of existing legal apparatuses. Yet serious and committed work within this circumscribed context remains indispensable if progressive politics is to have any future at all. Second, this crucial work cannot but be primarily defensive unless significant extra-parliamentary social motion or movements bring power and pressure to bear on the prevailing status quo. Such social motion and movement presuppose either grassroots citizen participation in credible progressive projects or rebellious acts of desperation that threaten the social order. Third, the difficult task of progressive legal practitioners is to link their defensive work within the legal system to possible social motion and movements that attempt to transform American society fundamentally.

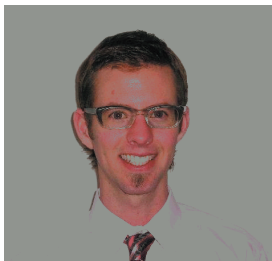
American society is disproportionately shaped by the outlooks, interests and aims of the business community—especially that of big business. This power makes it difficult to even imagine that a free and democratic society would look like (or how it would operate) if there were publicly accountable mechanisms that alleviated the vast disparities in resources, wealth and income owing in part to the

vast influence of big business on the U.S. government and its legal institutions.”

The role of progressive lawyers is not only to engage in crucial defensive practices—liberal practice vis-à-vis the courts—but also to preserve, recast and build on the traces and residues of past conflicts coded in laws. Progressive lawyers can seize this opportunity to highlight the internal contradictions and the blatant hypocrisy of much of the law in the name of the very ideals—fairness, protection and formal equality—heralded by the legal system. This kind of progressive legal practice, narrative in charter and radical in content, can give visibility and legitimacy to issues neglected by and embarrassing to conservative administrations as well as expose and educate citizens regarding the operations of economic and political powers vis-à-vis the courts. In this regard, historical consciousness and incisive narratives yield immanent critiques, disclose the moral lapses and highlight the structural constraints of the law while empowering victims to transform society.

A United States driven by big business is a breeding ground for perpetuating disparities. Big business has been and continues to be racist, sexist, homophobic, transphobic and xenophobic, thus reinforcing a “conquer-and-divide” mentality. Within this reality, our current legal system makes it difficult to create change. Nonetheless, it is important for lawyers and activists to work together in shaping our movement. Lawyers are needed in a system that would otherwise stay unchanged without them. ■

Communicating Our Lives: Framing and Messaging for Transgender Equality



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In the struggle for progressive social change, communications and media can be powerful tools. Historically, public interest activists and advocacy groups have developed a healthy level of skill in three of the four elements of successful advocacy: organizing, research, and development (fundraising), but we are still playing catch-up when it comes to making effective use of communications. How can we hope to make change without persuasively making our case and communicating our message to a wider audience and to decision makers? In order to make significant progress, we need to move beyond preaching to the choir and expand our target audiences to include non-transgender people, straight folks, and local, state, and federal policymakers. And we need to communicate in a way that our target audiences can hear, understand, and support.

Our challenge as trans activists and individuals is simple: how do we explain being transgender—and the challenges and blessings that come with that—to people who are not? How do we communicate about our lives and experiences in a way that resonates with the values we have in common and influence them to support our equality?

This is where framing and messaging come into play. *“Framing” is a communications term that means creating a favorable conceptual architecture for your argument; a frame defines the terms of the debate on a given issue.* In communications, frames function to help our target audiences understand the information we are providing through

our messages. Our goal is to choose a frame that benefits our argument, then to develop messages that fit into that favorable framework. Choosing the right frame for your argument is more than half the battle of winning advocacy campaigns.

Example Frames

Mental Illness: “I deserve access to hormones because I have a letter from my therapist who has diagnosed me as transgender.”

We may be tempted to use the mental illness frame favorably in our messaging because the DSM-IV’s Gender Identity Disorder diagnosis allows us some access to transition-related medical and mental

healthcare services. However, mental illness is not a favorable framework because it problematically connects transgender people with mental illness, which is still deeply stigmatized in our society. This frame also connotes insanity, disorder and abnormality.

Integrity: “Despite overwhelming social prejudice, transgender people are living true to themselves.”

The integrity frame powerful positions us as honest and truthful. Using this framework also lets us tap into commonly held values such as uprightness, wholeness and strong principles.

Messaging

Messaging complements and fits into

your chosen frame and takes into account what language will work with a given audience to build support. *Messages provide the actual language that communicates your issue in a clear, compelling and accurate way.* Messages that work with your Assemblyperson will differ from those that work with your neighbors. Your target audience is determined by whom you specifically need to reach in order to achieve your particular goal (e.g., to pass statewide anti-discrimination legislation; to make public restrooms non-gendered).

A basic message platform should:

- Describe the problem
- Offer your solution
- Tell people what specific action you want them to take

Transgender and gender non-conforming people are vastly underrepresented in the “mainstream” media, and our visibility is only slightly better in progressive and LGBT media. *Although our level of media visibility is slowly increasing, the existing framing and messaging around our lives and experiences are terrible. Negative stereotypes and attitudes dominate public discourse. Our lives—and even our deaths—are trivialized, sensationalized, or used as the punch line of a joke. There is no question that reframing this debate is essential social change for our movement.*

Opposition Messages

Some of the hurtful but common opposition messages used to describe transgender people are:

- Transgender people are deceitful
- Transgender people are sick or mentally ill
- Transgender people “selfishly

choose” to be “that way”

- Transgender people are not a part of “our” community
- Transgender people are not contributing members of society
- Transgender people are really gay men or lesbians who just can’t accept their sexual orientation
- If sexism and gender stereotypes went away, no one would have to be transgender.

There are many conflicting ideas about what is the most productive and helpful way to frame and message around transgender issues. Should we say we are born transgender, or should we frame gender as a choice? Should we espouse a medical model and talk about being transgender in terms of having a mental illness or physical disability? Should we say that “this is all about the gender binary” and outdated gender stereotypes? And, in a community as diverse as ours, how does one balance discussing one’s personal experience of gender non-conformity while honoring the experiences of other, diverse trans people?

These are questions that we as a movement need to think deeply about and come to consensus around. We need to determine which frames work for us and how to message particular issues within those frames. *As a start, we must determine which frames and messages we are currently using that actually harm our struggle for respect, as well as other communities’ struggles, and stop using them.* For example:

- We need to stop talking about “the surgery” as an acceptable way to draw the legal line between who gets access and rights and move away from talking about surgery as *the* major issue for transgender people

- We need to stop trying to validate our community by speaking disparagingly about those of us who do sex work, those who don’t pass (or who choose not to), and those of us who are poor
- We must be extremely careful about drawing parallels between transgender identity (and related concerns) and disability because we risk undermining the struggle for disability rights
- We cannot accept communications that exclude gender identities and expressions other than our own. We need to stop making sweeping generalizations about gender communities (e.g., “The majority of crossdressers are heterosexual.”)
- We need to change the detrimental way we address efforts of gay and lesbian organizations doing trans ally work.

Generally productive frames include:

- We can describe gender variance as normal, natural, and healthy
- We can talk about how mentally resilient transgender people are, instead of buying into the mental illness frame
- When we hear the opposition using the “deceit” frame, we can reframe the debate using our “integrity” frame
- We can publicly own and honor our successes
- We can appeal to the shared value of “fairness” and “opportunity” in our communications campaigns (e.g., “Everyone deserves a fair shot at employment opportunities.”)

- We should celebrate the diversity of our community (e.g., “Transgender people come from every walk of life and live in urban, suburban and rural communities”).

There are more ways that trans advocates can use communications and/or the media to fight for transgender equality than can fit in this space. For starters, get comfortable telling your personal story to friends, family, co-workers, neighbors, and classmates. Write an op-ed for the local paper or LGBT newsweekly on a timely trans issue. Encourage your local media to cover our issues by writing letters to news directors and managing editors. Call out defamatory coverage with letters to the editor, by calling the media outlet, or by alerting the Gay and Lesbian Alliance Against Defamation (GLAAD). Praise good media coverage when you see it. We can take advantage of the natural curiosity about our lives and experiences by strategically reframing the debate and by communicating our issues in a way that will build a broad base of support for transgender equality. ■

Resources

Progressive Communicators Network: www.spiritinaction.net/pcn

FrameWorks Institute: www.frameworksinstitute.org

Rockridge Institute: www.rockridgeinstitute.org

Spin Project: www.spinproject.org

The Praxis Project (Information Resource Center; Tools: Media): www.thepraxis-project.org/irc/media.html

Fairness & Accuracy In Reporting (FAIR): www.fair.org

The Metaphor Project: www.co-intelligence.org/metaphorproject.html

We Interrupt This Message: www.interrupt.org

New Progressive Coalition www.newprogressivecoalition.com

Gay and Lesbian Alliance Against Defamation (GLAAD): www.glaad.org