

Commission on the status of women

CIMUN

Topic 2: Protecting Transgender Women from Targeted Crimes

Selin Bogers and Jasleen Kaur



Introduction

In general, there has been a significant improvement in upholding human rights and fostering increased acceptance of both transgender women and the LGBT+ community over the past couple of decades. Examples include, legal gender recognition, asylum, protection against discrimination in healthcare, and laws against bias-motivated crime. This has been done through increased legislation geared towards protecting transgender women. However, there is still a sizable difference in the opportunities, quality of life, and safety of transgender women compared to the general population in most countries around the world. For example, in Lebanon, thirty-eight out of the fifty interviewed trans women reported experiencing extreme violence by a male relative for their gender expression. However, some countries in Europe such as Belgium and Sweden have smaller gaps in equality for transgender women compared to other countries. Transgender women are a part of the LGBT+ community, and although the LGBT+ community still faces prosecution or discrimination in many countries, transgender women sometimes also receive hate from within the LGBT+ community itself.

Key Terms

Transgender: relating to or being a person whose gender identity differs from the sex the person had or was identified as having at birth (Merriam-Webster).

Transgender Woman: A woman who was biologically identified as male at birth. Transgender women may transition, this commonly includes hormone replacement therapy and sometimes sex reassignment surgery in order to help resolve feelings of gender dysphoria.

Transexual: usually implicates a hormonal or surgical transition from the individual's birth sex to the one identifying with their gender.

Gender dysphoria: a feeling of discomfort or distress that might occur in people whose gender identity differs from their sex assigned at birth or sex-related physical characteristics. (Mayo Clinic)

Targeted Crime: any criminal offence that is targeted at a person because of hostility or prejudice due to their race, religion, sexual orientation, transgender identity, or disability. (Could also be referred to as "hate crime") (Hertfordshire Police)

Background Information

The term “transgender” was not recognized until 1971, however the first public trials for “transvestite behaviour” were in the 1870s for “indecent behaviour”. Christine Jorgensen was one of the first transgender women to become a news sensation and was one of the most influential transexual women of the mid 20th century. Her psychiatrist started receiving personal letters, eventually from 465 people, also wanting gender reassignment surgeries (The Guardian). This was one of the first steps in recognizing these were not exceptional cases, but communities of people. Since then, there has been a large increase in organizations protecting and advocating for transgender rights and many countries within the EU or North America have started to make adjustments to legislation. However, crime, violence, and hate remain as significant issues. According to the Human Rights Campaign, 2020 has already seen at least 26 transgender or gender non-conforming people fatally shot or killed by other violent menas, often stories go unreported or are misreported. In general, those within the transgender community are at a higher risk for violence, including rape, as well as trafficking relative to the general public. Depending on the global region, transgender people can be vulnerable to prosecution. Prosecution could include time spent in jail or even the death penalty for certain member of the LGBT+ community, this is regularly practiced in 6 countries, and legal in 11 countries worldwide.

Major Countries and Organizations Involved

United States of America: In general, there is still a push back in regards to social acceptance of transgender women within America, however it is largely dependent on the state or area. In June of 2020, the Supreme Court stated that the LGBT community is, and should be, protected from discrimination under federal law (NCTE - [read more](#)). In 2015, 57% of transgender people reported being afraid of going to the police when they needed it (NCTE). Violence towards transgender women is rising again, the number of murders of transgender people has surpassed that of last year in just the first 7 months of 2020 (NCTE). The United States is one of the countries that allows people of a “particular social group” (Cornell University, LGBT Clinic), including transgender women, to seek asylum in fear of prosecution in their own country. “In 2000, the Ninth Circuit Court of Appeals decided *Hernandez-Montiel v. INS*, finding that a transgender person from Mexico qualified for asylum as a member of a ‘particular social group.’” (Cornell University, LGBT Clinic). However this is a small minority, many asylum seekers are denied.

Mexico: Mexico has passed some antidiscrimination laws, however there are no federal laws that explicitly protect transgender individuals from discrimination on the basis of their gender identity (i.e., their transgender status), as opposed to their sexual orientation (Cornell University,

LGBT Clinic). Additionally, policies that protect women in general from violence do not include transgender women.

European Union: Most countries in Western and Northern European are considered by most to be accepting of transgender communities, and have some of the lowest reported discrimination or hate towards transgender residents and visitors. This is largely due to greater cultural acceptance as well as due policies against hate crime and speech. However, laws and conventions do vary from between regions, and even within individual countries. For example, as of 2018 7 countries within the EU require sterilisation as a transgender man or woman, most of which are located in Eastern Europe, such as Romania, Bulgaria, and Serbia. Additionally, only the UK and Malta have legislation prohibiting conversion therapy. Only Malta employs depathologisation, meaning being transgender is no longer seen as a mental disorder.

- Works closely with [ILGA - Europe](#), an organization promoting LGBT+ interests within Europe and internationally.

National Center for Transgender Equality (NCTE): a non-profit social equality organization, originally founded by activist Mara Keisling in 2003. The purpose of the organization is to advocate for transgender rights in the United States. Their website describes the organization as “the nation’s leading social justice advocacy organization winning life-saving change for transgender people.” (NCTE) One of the main ways in which this organization is able to help is through advocating for transgender rights and creating awareness within the transgender community about which rights they hold with different areas such as employment, healthcare, or immigration documents. Additionally, they regularly report on cases of violence and abuse against transgender women around the country. The website also outlines the key issues facing transgender people today, and provides for further research and reference resources.

Relevant UN Resolutions and Reports

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/601/94/PDF/N1360194.pdf?OpenElement>

In this report, it states how the United Nations have ensured that all have the rights to human rights regardless of their sexual orientation and appearances. The report states how nations should take actions of specific needs for lesbians, bisexuals, and transgender women. The report also explains how comprehensive sexuality education should be provided for all adolescents. Page 4 of this report also states how some of the LGBTQ community should be protected against violence.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/415/53/PDF/N1941553.pdf?OpenElement>

This document highlights information about the discrimination transgender women face, including the lack health insurance coverage, discrimination in educational settings, and fewer job opportunities due to their sexual status. This document also states that all governments are going to combat this situation by the year 2030.

Trans Rights Europe Index: <https://tgeu.org/trans-rights-map-2018/>

Extremely helpful websites outlining the rights of and law protecting transgender men and women across different countries in Europe.

Previous Attempts at Resolving This Issue

In many countries, changes cannot be made to state identification documents unless the individual has undergone gender reassignment surgery. However, there has been positive changes:

- In 2014 Denmark passed a law that permitted citizens to change their legal gender identity without needing to undergo surgery, which had previously been required.
- Argentine activities and lawmakers succeeded in passing a gender identity law in 2012, assuring legal gender recognition to transgenderd without medical intervention and in accessing free health care.
- in 2015, Mexico city reformed its civil code and introduced similar laws as Argentina

As stated in the second document, Denmark, Canada, France and many more countries have made sure that in an educational setting young adults are taught what being transgender is. By teaching this is in an educational setting, young adults can understand their situation, which has led to less cyberbullying and more safe environments. This has prevented transgender from committing suicide and having depression. As this is taught to young adults, it also helps them accept anyone who is close to them who is in the LGBTQ community and feel comfortable and not unwanted.

Engaging with police and social-services that it is essential to address the need of transgender women in crisis. Police training have taken place in the USA, where after a wave of anti-trans violence the country's departemnt of justice began training law enforcement officials on transgender idenities. In the Phillipine, where national police took part in gender and sexuality training that included a focus on the needs of trans people. While such interventions can have meaningful impacts. They must be sustained over a long term and which could be formalized into police.

Possible Solutions

A possible solution for this issue is to raise awareness of the violence that transgender women are subjected to. This awareness could be shown through the media, for instance by showing pictures or videos, if possible, of how these innocent transgender women are facing sexual assault and murder. Establishing a punishment for any violent acts caused against transgender women could also improve the situation. By establishing these punishment this could change the rate of transgender women facing hate crimes. Another solution could be for the governments around the world to take critical action as most of the population is not aware of this major issue that needs to be solved.

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