

Transgender Europe: Press Release – 23rd December, 2011

Now online: first mapping of legal and health care situation
of trans people in 58 countries

The legal and health mapping was conducted by Transgender Europe's Transrespect versus Transphobia Worldwide (TvT) research project in close cooperation with activists and experts from all world regions. A comprehensive questionnaire developed by the TvT project's research team and reviewed by more than 15 researchers and activists from all six world regions was distributed to over 70 international activists and experts, who provided detailed information including comments and explanations on the specific situation in the respective country.

The mapping consists of different tables on:

1. Legal Gender Recognition: Change of Name & Change of Gender

The TvT tables provide detailed information on legal measures meant to guarantee a legal change of name and a legal change of gender for trans people. They list requirements such as 'psychiatric diagnosis', 'gender reassignment surgery' or 'sterilization'. Unfortunately, the mapping shows that in all listed countries in which a legal change of gender is possible, a 'psychiatric diagnosis', i.e. a pathologization of the applying trans person, is required for a legal change of gender. Furthermore, most legal measures list 'gender reassignment surgery' or 'sterilization' as requirements for legal gender recognition, which clearly violates human rights.

The TvT tables also show the actual legal situation, meaning how legal change of name and gender are enacted in practice in the mapped countries. In some countries with existing legal measures, trans people's applications are delayed for months and years, whereas in some countries without existing legal measures, trans people find other ways, for instance of legally changing their name. The TvT mapping moreover lists existing proposals regarding the legal change of name and gender in detail. This may serve both as an evaluation of the existing legal measures and situation and as an indicator of existing trans activism.

2. Anti-Discrimination, Hate Crime, and Asylum Legislation

The TvT tables provide detailed information regarding the inclusion of trans identity/gender identity in Anti-Discrimination and Hate Crime laws and in the Constitution. They also list the inclusion of trans people in Asylum guidelines. The mapping indicates that 'gender identity' is very rarely acknowledged as a ground of discrimination.

It also shows the legal situation, meaning the actual practices regarding these legal measures and guidelines, as well as proposals that challenge existing measures. These proposals very often demand the explicit inclusion of 'gender identity' into existing legal measures.

3. Criminalization, Prosecution, and State-sponsored Discrimination

The TvT tables show detailed information on the legal measures that criminalize trans people and trans related issues, such as 'so-called cross-dressing' and 'gender reassignment surgery'. In some countries in the Global South and East these laws were introduced by colonial powers and missionaries and are not acted upon today. For instance, in some countries where 'so-called cross-dressing' is illegal, trans people are extremely visible and acknowledged within their culture and society rather than being prosecuted.



There are, however, other countries where there is no criminalization, yet trans people are prosecuted with other laws that are used specifically against trans people, such as anti-prostitution, loitering or nuisance laws. The TvT tables are designed in a way to clearly show these important differences between legal criminalization and actual prosecution of trans people. They thus aim to provide a comprehensive understanding of the legal situation beyond the mere existence of legal measures.

4. Trans-Specific Health Care: Hormone Therapy and Hormones & Gender Reassignment Treatment and Body Modifications

The TvT research has addressed not only the legal situation of trans people but also important aspects of trans people's social situation. The TvT tables give a first insight into trans people's health care situation, focusing on trans-specific hormone therapy and hormones as well as gender reassignment treatments and body modifications. The TvT tables show manifold aspects regarding medically supervised hormone therapy and gender reassignment treatments, including requirements like 'psychiatric diagnosis' and the availability of funding.

The tables moreover list the existence of alternative practices, such as acquiring hormones on the black market without medical supervision or applying industrial silicone without medical supervision. These 'alternatives' exist in countries where trans-specific health-care is not provided as well as in cases where trans people do not meet the requirements for medically supervised treatment. They can lead to serious health problems and in some cases even to death.

A characteristic of Transgender Europe's legal and health mapping is thus that it enables a quick overview of existing laws while at the same time providing detail and complexity regarding actual practices.

At present, 58 countries are listed in the following regions: Africa (9 countries), Asia (13 countries), Central and South America (9 countries), Europe (18 countries), and Oceania (9 countries). For India, a separate set of tables showing the situation in individual states is provided. Further countries will be added in due time, including a separate set of tables for the 8 Australian states and Brazil. The TvT mapping is designed such that it enables a regular update and extension of the tables. Therefore, any information and evaluation of the presented tables is highly welcomed and will be analysed and included in regular updates. In the course of 2012, we will step by step present more elaborated information, including context information, references, law texts, etc. in selected country sections of the TvT website. In these sections, the numerous activists and researchers that contributed to the TvT mapping will be fully acknowledged.

Transgender Europe's legal and health mapping can be accessed on the TvT project website at:

http://www.transrespect-transphobia.org/en_US/mapping.htm

New research: In November 2011, the TvT research team together with six partner organizations from Asia, Eastern Europe, Oceania, and South America started a new survey in form of a peer research on trans people's experiences with Transrespect and Transphobia.

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*If you have further questions or if you want to support the research project,
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