



Congreso Internacional de Identidad de Género y Derechos Humanos

Congrés Internacional d'Identitat de Gènere i Drets Humans

International Congress on Gender Identity and Human Rights

Violence, Criminalization, and Gender Identity

(Conference Draft)

Introduction

In every region of the world, transgender people face risks for their lives as their inherent dignity, personal safety, physical integrity, and mental well-being are compromised by the transphobia of their societies. They face violence in different forms, from domestic to state-sponsored violence, perpetuated by different actors, from state to non-state actors.

Colonial laws, religious persuasions, cultural beliefs and the heteronormative gender binary system, i.e., the belief that one's gender identity and expression should conform to one's sex assignment at birth, have all been used to justify, glorify, and sanctify this violence, thereby laying a strong foundation for the denial of the human rights of transgender people.

During the past two years the number of reports of murdered trans people has been on the rise. The Trans Murder Monitoring project which started in April 2009 has documented 333 reported murders in 36 countries from 2008 to 2009. However, due to research limitations and the absence of reporting and monitoring systems in almost all countries worldwide, as well as the fact that there are no estimates on the unreported cases, these figures show only a glimpse of the reality, the tip of the iceberg of reports on murders of trans people worldwide. The real situation is much worse.

In some countries, transgender activists are being subjected to harassment and violence and even transphobic murder from police officers, the supposed front liners of the state in promoting, protecting, and promoting the human rights of all people.

So-called anti-crossdressing laws, laws that illegalize gender reassignment, as well as anti-prostitution laws and public nuisance laws are being used to harass and persecute transgender people in the name of public moral, order



Congreso Internacional de Identidad de Género y Derechos Humanos

Congrès Internacional d'Identitat de Gènere i Drets Humans

International Congress on Gender Identity and Human Rights

and security. It is worth noting that these laws, as well as the transphobic beliefs in their societies, enhance the discrimination experienced by transgender people, limiting their access to economic, social and cultural rights, making them vulnerable to lives of extreme poverty.

The pathologization of trans people, which is institutionalized and internationalized by international diseases classifications such as the DSM IV or the ICD 10 and by international institutions such the WHO, is contributing to the societal transphobia that trans people in many parts of the world have to face.

Furthermore, the media's negative portrayal of transgender people has encouraged the stigmatization of transgender people in different parts of the world.

We are disturbed that this structural violence that spans across state institutions and civil society is being validated as just a natural fact. It is time that we challenge and change this cycle of violence that transgender people face.

Principles

1. Everyone has the right to life, integrity, and dignity regardless of their gender identity.
2. No one shall be arbitrarily deprived of life because of their gender identity. State-sponsored or State-condoned attacks on the lives of transgender people must cease.
3. Everyone, regardless of their gender identity, has the right to security and to the protection by the State.
4. No one should be subjected to torture and cruel, inhuman or degrading treatment or punishment. because of their gender identity.
5. No one shall be subjected to arbitrary arrest or detention because of their gender identity.
6. Everyone has a right to freedom of expression and self-determination regardless of their gender identity.



Congreso Internacional de Identidad de Género y Derechos Humanos

Congrés Internacional d'Identitat de Gènere i Drets Humans

International Congress on Gender Identity and Human Rights

7. Everyone has a right to privacy and autonomy over their lives.

Recommendations

1. States must take a clear stand that violence against transgender people are violation of human rights.
2. Violations against the human rights of transgender people must be promptly and fairly investigated.
3. Governments must enact laws that will provide protection from all forms of transphobic violence and harassment.
4. The police, other law enforcement personnel, judges, court personnel, prosecutors, and lawyers should undergo gender sensitivity training programme and about international human rights standards on principles of equality and non-discrimination.
5. Governments must incorporate anti-transphobia training in their equality initiatives to be conducted in all government offices at all levels of public education.
6. Governments must provide transgender-responsive post-trauma counseling for survivors of transphobic violence.