



Transrespect versus Transphobia

The social experiences of trans and gender-diverse people in Colombia, India, the Philippines, Serbia, Thailand, Tonga, Turkey and Venezuela

| Edited by Carsten Balzer / Carla LaGata and Jan Simon Hutta



TRANS RESPECT VERSUS TRANSPHOBIA
W O R L D W I D E

www.transrespect.org



A banner, resulted from a TvT training |
(Trans Rights Activism Workshop,
Darwin, Australia, May 2014)



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Carsten Balzer / Carla LaGata and Jan Simon Hutta
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The image on the front page resulted from a TvT training (Trans Rights Activism Workshop, Darwin, Australia, 13-14 May 2014), in which 35 trans activists from indigenous Australia, Australia, Aotearoa / New Zealand, Fiji, Germany, the Philippines, Thailand and Tonga participated.



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Some of these individuals have also contributed significantly to this report by providing advising, sharing their contacts, organising and implementing the research in local contexts, generating data and tools of analysis, analysing the data and compiling the chapters, as well as by proofreading, conducting questionnaire reviews and providing translation. Without these people, it would not have been possible to write this research report. We would therefore like to express our sincere gratitude and acknowledge these people in alphabetical order. We have tried our best to name all those who have helped us. Should we erroneously have forgotten to mention anyone, we very much regret our oversight and apologise sincerely.

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| Acronyms

APTN	Asian-Pacific Transgender Network
FTM	Female-to-male
GID	Gender identity disorder (diagnostic category)
GRS/T	Gender reassignment surgery/treatment
ICRSE	International Committee on the Rights of Sex Workers in Europe
IDAHOT	International Day against Homophobia, Biphobia and Transphobia
IGLYO	International Lesbian, Gay, Bisexual, Transgender, Queer Youth and Student Organisation
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
LGB/T/I/Q/H	Lesbian, gay, bisexual/trans/intersex/ queer/heterosexual
MSM	Men who have sex with men
MTF	Male-to-female
NGO	Non-governmental organisation
OHCHR	Office of the United Nations High Commissioner for Human Rights
SOGI/E	Sexual Orientation and Gender Identity/ Gender Expression
SRS	Sex-reassignment surgery
STRAP	Society of Transsexual Women of the Philippines
SWAN	Sex Workers' Rights Advocacy Network
TDOR	International Transgender Day of Remembrance
TGA	Thai Transgender Alliance
TGEU	Transgender Europe
TLA	Tonga Leiti Association
TMM	Trans Murder Monitoring
TVT	Transrespect versus Transphobia Worldwide

| Details of the banner, result of a TVT training (Trans Rights Activism Workshop, Darwin, Australia, May 2014)



Terminology

Due to the great variety of concepts and self-definitions used by different communities around the world, we use the two established terms, 'trans people' and 'gender-diverse people', often simultaneously. We are aware of the challenges in using these terms, as they originated in Western discourses, in which binary gender/sex concepts are assumed as the norm.

In the context of the TvT research project and this report, **trans people** and **gender-diverse people** include those with a gender identity that is different from the gender they were assigned at birth, and those who wish to portray their gender in a way that differs from the gender they were assigned at birth. Among them are those people who feel they have to – or who prefer or choose to – present themselves in a way that conflicts with the social expectations of the gender role assigned to them at birth, whether they express this difference through language, clothing, accessories, cosmetics or body modification. These include, among many others, transsexual and transgender people, trans men and trans women, transvestites, cross-dressers, no-gender, liminal-gender, multigender and genderqueer people, as well as intersex people who relate to or identify as any of the above. Also included are those who identify with local, indigenous or subcultural terms – such as *Leitis* in Tonga – and relate to the terms 'trans people' or 'gender-diverse people', for instance in international activist contexts. Further included are those people in non-binary gender-systems who were raised in a different gender than male or female and who self-identify as trans people or gender-diverse people in international contexts.

'Transphobia' and **'Transrespect'** are the guiding terms in this project: they encompass a spectrum from violence, discrimination and negative attitudes towards gender-diverse/trans people on the one hand to recognition, acknowledgement and respect on the other. It is necessary to investigate both of these poles in order to develop viable analyses and politics related to trans activism. To underline the significance and specific meanings of these terms in the context of this report, we spell them in capital letters throughout.

We use the term **Transphobia** to denote forms of violence, discrimination, hatred, disgust, aggressive behaviour and negative attitudes directed at individuals or groups who transgress or do not conform to social expectations and norms around gender. This includes institutionalised forms of discrimination, criminalisation, pathologisation and stigmatisation and manifests in various ways, ranging from physical violence, hate speech, insults and hostile media coverage to forms of oppression and social exclusion. Transphobia particularly affects gender-diverse/trans people. It operates together with further forms of power and violence and entails contextualised engagements. Used in the social sciences to denominate a complex social phenomenon, it has acquired a much broader meaning than what is suggested by the term 'phobia', which is understood in psychology as an individual pathological response.

The term **Transrespect**, in the context of the TvT project, does not simply refer to the absence of any form of Transphobia; it is instead the expression of deep respect for and positive recognition of gender-diverse/trans people. It includes the acknowledgment of the unique or particular ways in which these people enrich society. Thus, Transrespect acknowledges the cultural and social benefits of gender non-conformity, gender liminality and gender diversity. It can manifest in individual behaviour as well as in the reproduction, transformation and creation of sociocultural formations, including institutional, cultural, social or religious roles. Transrespect can benefit not only certain individuals or minorities, but society as a whole.



| Trans activist from Botswana at an international trans manifestation in Barcelona (Spain), June 2010

I. A Comparative View of the Experiences of Trans and Gender-diverse People in the Philippines, Serbia, Thailand, Tonga, Turkey and Venezuela, as well as parts of Colombia and India

Carsten Balzer/Carla LaGata and Jan Simon Hutta

I.1 Introducing the TvT project, its international cooperation and the comparative survey

The comparative survey presented here emerged in response to the persistent need for evidence-based comparative data regarding the human-rights situation of trans and gender-diverse people. Complementing Transgender Europe's (TGEU) on-going Trans Murder Monitoring (TMM) and Legal and Social Mapping projects, it forms part of the international Transrespect versus Transphobia Worldwide (TvT) research project. When the first TMM results were published in *Liminalis – A Journal for Sex/Gender Emancipation and Resistance* in 2009, the great international resonance it elicited brought into sharp relief the acute need for systematic knowledge on the subject. This need was also articulated, at around the same time, during the 2nd LGBT Human Rights Conference of the OutGames in Copenhagen in 2009, when the then Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg, presented an Issue Paper called *Human Rights and Gender Identity*.¹ The Issue Paper contains 12 'Recommendations to the Council of Europe member states', the last of which reads: 'Develop research projects to collect and analyse data on the human rights situation of transgender

persons including the discrimination and intolerance they encounter with due regard to the right to privacy of the persons concerned'.² The need for research on the human-rights situation of trans people is even more evident in many parts of the world outside Europe.

The advocacy network Transgender Europe (TGEU), which was established in 2005, has provided a great environment for gathering the expertise of trans activists from around the world. With its 85 member organisations in 42 countries and its organisational structure, it has facilitated the development of the TvT project, its research collaborations and its administrative implementation. With the assistance of dozens of partner organisations and experts in more than 100 countries throughout the world, as well as funding from the ARCUS Foundation (USA), the Open Society Foundations (USA) and the Heinrich Böll Foundation (Germany), TGEU has enabled the TvT project to produce knowledge on the human-rights situation of trans and gender-diverse people worldwide. In 2012, Charles Radcliffe, from the Office of the United Nations High Commissioner for Human Rights (OHCHR), commented: 'As in all issues of promoting rights of ostracized and marginalized people, the first step is to start putting the facts on the table. The *Transrespect versus Transphobia Worldwide* project is an important contribution to this end'.³ Radcliffe referred to the TvT's Trans Murder Monitoring as well as the Legal and

Social Mapping, which provide comparative research data on the human-rights situation of trans and gender-diverse people in 140 countries worldwide.⁴ > *Figure 1*

The present report complements these projects through in-depth, country-specific research on trans and gender-diverse people’s experiences with Transrespect and Transphobia. It is based on a survey questionnaire developed in 2010 and 2011 through an extensive review. Members of the international TvT Advisory Board from Africa, Asia, Central and South America, Europe, North America and Oceania helped ensure the questionnaire’s transcultural adequacy so that it could be used in all world regions. During a three-day Strategic Planning Meeting in Berlin in October 2011, representatives of trans /LGBT organisations from India (People Like Us), the Philippines (Society of Transsexual Women of the Philippines), Serbia (Gayten-LGBT), South Africa (Gender Dynamix), Tonga (Tonga Leiti Association) and Venezuela (DiverLex) met to discuss the peer-research concept and the distribution of the budget. While Gender Dynamix could not continue participating due to work overload, Pembe Hayat from Turkey joined in November 2011.⁵

In 2012, the *TvT Survey on the Social Experiences of Trans and Gender-diverse People* was conducted in the Philippines, Serbia, Turkey, Tonga and Venezuela, as well as parts of

| TvT survey partners and country of implemented research

DiverLex | Venezuela and parts of Colombia

Gayten-LGBT | Serbia

Gender Dynamix | No research implementation

Pembe Hayat/Red Umbrella | Turkey

People Like Us | India (West Bengal)

Society of Transsexual Women of the Philippines | The Philippines

Thai Transgender Alliance | Thailand

Tonga Leiti Association | Tonga

India and Colombia, resulting in interviews with more than 660 trans and gender-diverse individuals. In 2014, the research was additionally implemented in Thailand, adding another 202 questionnaires to the already existing data, while People Like Us could not carry out this second research phase. The data analysis was conducted in 2014

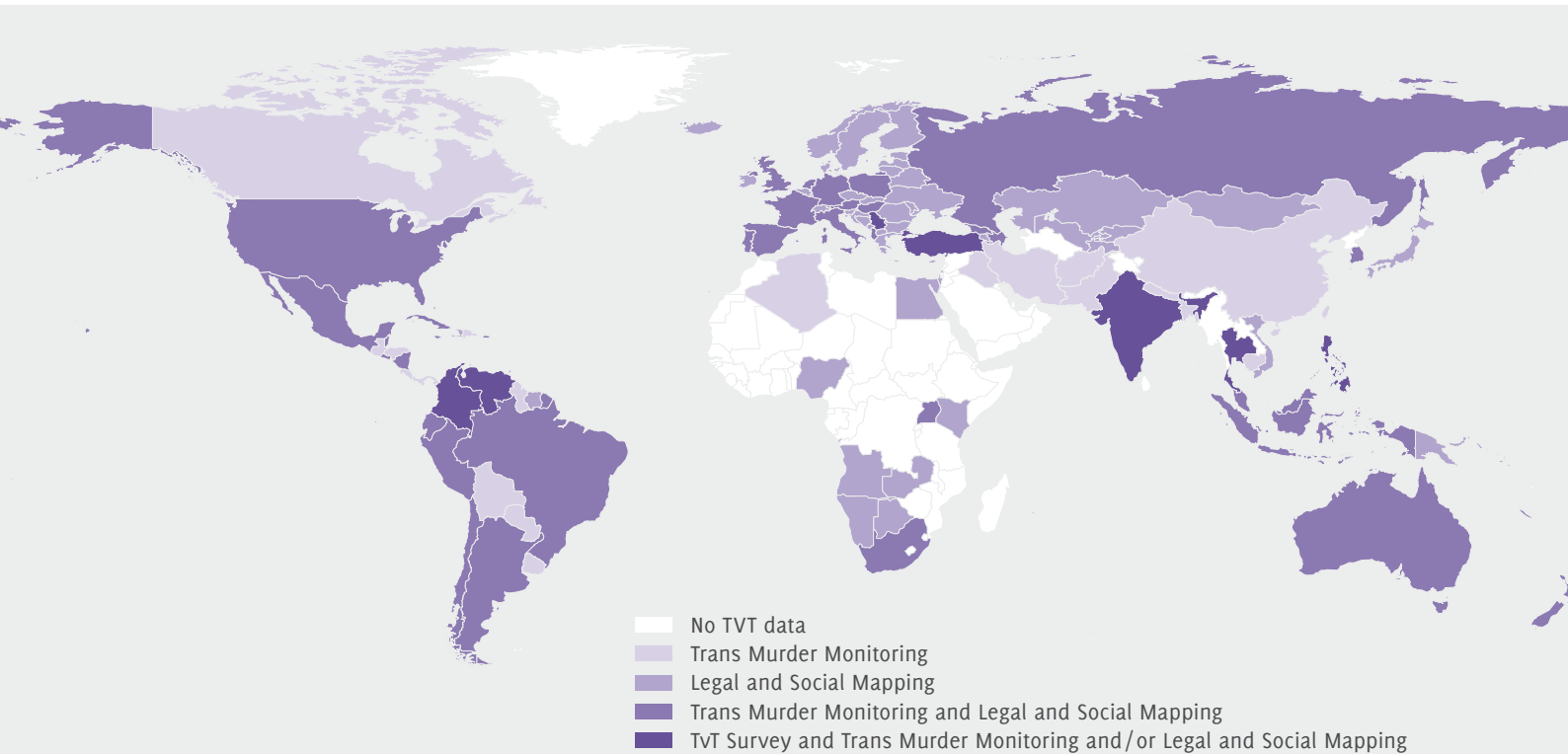


Figure 1 | Transrespect versus Transphobia Worldwide research project – Data from 140 countries worldwide
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and 2015. Unfortunately, the Venezuelan chapter could not be completed before the closing date and therefore could not be included in this report. However, the data from Venezuela and some additional data from parts of Colombia (the cities of Bogotá, Cali and Medellín and the state of Manizales) as well as from West Bengal in India are included in the comparative analysis presented later in this chapter.

The analysis of the 863 questionnaires from the Philippines, Serbia, Turkey, Tonga, Venezuela and parts of Colombia and India have revealed some surprising findings. These include the fact that for the vast majority of respondents in all countries, their gender identity is not recognised in their legal documents. Furthermore, the findings suggest a divergence between adult trans and gender-diverse people's experiences of Transrespect, on the one hand, and discrimination and violence during childhood and adolescence, on the other. Particularly worrying are the results in regard to the experiences of trans and gender-diverse children and teenagers at school: in most countries, between more than a third and almost half of respondents

reported that they experienced forms of sexual violence in school. The comparison of different religions in different countries shows that religious acceptance of trans and gender-diverse people cannot be attributed to the specific religions as such, but must be connected to the particular social and cultural contexts. Moreover, the study provides additional empirical data for issues that have long been addressed by activists, such as the intense forms of Transphobia in several social environments. Surprisingly, such forms of Transphobia also exist to some degree in countries that are perceived as rather trans-friendly and show moderate or even high levels of Transrespect, such as the Philippines, Thailand and Tonga. The survey furthermore demonstrates that police harassment and violence pose a persistent challenge in most countries, affecting trans sex workers in particular.

| From back row to front: Jan Simon Hutta (TGEU, Germany), Carla LaGata (TGEU, Germany), Naomi Fontanos (STRAP, the Philippines), Kristian Randelović (Gayten-LGBT, Serbia), Jana Mittag (Heinrich Böll Foundation, Germany), Tamara Adrián (Diverlex, Venezuela), Joleen Mataele (TLA, Tonga), Julia Ehrh (TGEU, Germany), Agniva Lahiri (PLUS, India), Whitney Quanita Booysen (Gender Dynamix, South Africa), at the panel presentation 'Trans Rights Are Human Rights!' after the TVT Strategic Planning Meeting in October 2011.



1.2 Methodology

The *TvT Survey on the Social Experiences of Trans and Gender-diverse People* combines activist data collection with the empowerment of local trans and gender-diverse people through peer research. This approach was discussed and substantiated among the collaborating project partners from Africa, Asia, Europe, Oceania and South America at the above-mentioned Strategic Planning Meeting in October 2011.

In what follows, we explain the design of the transcultural questionnaire and the peer-research methodology. We will then comment on the implementation of the survey and some specificities regarding individual countries.

The transcultural questionnaire

The questionnaire used for the TvT survey is structured in nine domains:

1. General information
2. Family, friends and partners
3. Education
4. Labour market, job, earning one's living
5. Health-care
6. Legal and criminal justice systems
7. Religion
8. Society
9. Culture

These sections cover a wide range of topics in order to include issues that are highly pertinent in some countries (e.g. hormone treatment or sex work), even though they may not be as pertinent in others. Moreover, the items of all sections have been designed so as to be applicable as much as possible to the respective local and regional contexts. For this purpose, a draft version of the questionnaire was reviewed by TvT's international Advisory Board, which consists of more than 20 experts from all world regions. During the 2011 Strategic Planning Meeting, the questionnaire was revised a last time, resulting in the final version agreed on by all project partners who participated in the meeting.

Various items demanded special attention in order to be transculturally adequate. These ranged from the listing of major religions (Item 1.9) to the use of formulations such as 'How do you currently earn your living?' (Item 1.11) rather than assuming that income is generated through formal 'employment'. Moreover, formulations like 'identity' rather than 'gender identity' were chosen in order to avoid addressing participants in a language specific to (Global North-shaped) academic and political discourses.

It was also important to account for the variety of gender identities, including identities based on binary conceptions of femininity and masculinity and non-binary and third-gender conceptions. Item 1.13, in the General section, gives a range of gender identities as well as open-reply options. It specifies several MTF and FTM identities that in one way or another presuppose the binaries of male and female, alongside 'Other' – third sex/gender, non-gendered, gender-queer, indigenous/local identities and other – identities.

All sections combine quantifiable reply options and prompts for open answers. Sections 2 to 9 also include prompts for longer, narrative replies suitable for qualitative analysis, for instance item 3.4, 'Did you ever receive special forms of respect and acknowledgement from teachers because of your identity?', or item 4.2., 'Have you ever lost your job because of your identity?'

The empowering peer research

The survey concept involving the intended empowerment of research participants is based on peer-research approaches developed in response to distanced and objectifying forms of knowledge production. In particular, it has been adapted in modified form from the *People Living with HIV Stigma Index* developed in the Global South.⁶ The TvT survey is not meant to be an abstract academic exercise done 'to' trans and gender-diverse people's communities; it is rather intended to embrace all those involved in a participatory spirit. Trans and gender-diverse people have been and will continue to be at the centre of the process as interviewers and interviewees, and are in charge of how the information is collected, analysed and used.

In this approach, survey participants are interviewed by peers and, apart from sharing their experiences, they also have the possibility of gaining new knowledge. For this purpose, all project partners were trained in how to conduct peer research and best distribute relevant knowledge to the interviewers. The interviewers were trained in interviewing and in facilitating participatory group discussions. They received guidance on dealing with difficult emotional situations and referring people for counselling or further sources of advice and information. These important skills may be of use to the interviewers in the future if they are (or wish to become) involved in similar projects or other research studies. For example, in Thailand training participants received signed certificates after completing the training for use at universities or in similar contexts.

The training and the survey as a whole thus aimed to empower interviewers and participants through the interviews and their active inclusion in the research process. One of the respondents in Serbia, a trans woman, stated that it was very important for her to participate in the survey and that she knows her statements and examples are important and helpful not only for herself, but also for her trans brothers and sisters.

A key principle of the interactive empowerment approach is that the survey is conducted by peers, i. e. other trans and gender-diverse people. While it is impossible for the interviewer to assume 'full' peer status in terms of age, social status, race, class, region or specific gender identity, the fact that all interviewers identified as trans or gender-diverse was vital in promoting an atmosphere of confidence and mutual trust. In particular, all interviewers were associated with activist organisations that provide spaces for the concerns of trans and gender-diverse people from different backgrounds.

Another principle, the combination of gathering information and sharing knowledge, meant that interviewers distributed information regarding where trans and gender-diverse people can receive support and how they can partake in political processes concerning the issues at stake. At the same time, the activists conducting the interviews were trained as interviewers and observers and became active listeners.

Analysis and composition of data

The analysis aims to provide a comparative overview of experiences of Transrespect and Transphobia in each of the particular domains. It seeks to identify which aspects in the wide range of domains examined are especially positive or problematic and in need of political attention. It also seeks to foster insights into the extent to which experiences can be associated with factors like a certain religion, or the extent to which they ensue from the particular ways in which such issues are articulated in different contexts. The country-specific analyses moreover focus on issues deemed particularly relevant in the respective contexts. They also contextualise the findings in light of other studies and the specific political, legal and social situation.

To organise and process the data for analysis, TGEU contracted a professional analyst, Eva Fels from the Austrian trans organisation Trans X, who designed tools and introduced project partners to their use at a TvT team meeting in Budapest in April and May 2014. The country-specific data analysis was conducted in cooperation between TGEU and the partners and discussed at several

TvT team meetings in 2014 (Budapest, Darwin, Mexico City). The editors conducted the comparative analysis in 2015.

The size of data sets assembled by project partners through the participatory peer research varies from country to country. In Colombia and Serbia (24 and 28 questionnaires, respectively), the numbers are lowest, although their disparate population sizes – Colombia has 48 million inhabitants, as compared Serbia's 7 million – need to be kept in mind. The number of 104 questionnaires in the Philippines is also at the lower end of the scale in view of the country's population of 98 million. Numbers are moderate in Thailand, with 202 questionnaires (67 million inhabitants); in Turkey, with 109 questionnaires (75 million inhabitants); in Venezuela, with 89 questionnaires (30 million); and in West Bengal, with 199 questionnaires (91 million). In Tonga, 108 questionnaires were completed, a very large number, given its population of 103,000. Among the reasons for the variations in the size of data sets, apart from the countries' respective sizes, are the differences in accessibility of the countries' regions and, importantly, in the visibility of trans and gender-diverse people. Their visibility is particularly low in Serbia, whereas in the other countries it is fairly high.

The present report focuses on the quantitative items of the survey to enable a comparative overview. Here, we would especially like to acknowledge Eva Fels' great contribution and commitment to processing the data in order to make a comparative analysis possible. The country chapters also include some discussions of qualitative items, which can be further interpreted in future analyses. In the country chapters, the quantitative data is complemented by responses from the open questions and/or further information from local activists.

The survey results for individual countries will be published in each participating country, alongside this comprehensive report, as well as in the TvT Publication Series (see Appendix). The project partners thus have the opportunity to focus and elaborate on acute political concerns. They have decided to organise events with stakeholders, politicians or other NGOs to launch and present the country reports in their respective countries.

The way the interviews were carried out in the local contexts differed from country to country. While in most countries the organisations implementing the survey followed the face-to-face peer-interview approach, in Tonga the questionnaires were filled out in a guided collective session in the capital, Nuku'alofa. This modification was owed to the fact that the Kingdom of Tonga encompasses 176 islands, of which 36 are inhabited, and that travel is either extremely time consuming (by sea) or expensive (by air).

1.3 Comparative Results

The data sample analysed for this report is based on 863 completed survey questionnaires from the Philippines (104), Serbia (28), Thailand (202), Tonga (108), Turkey (109) and Venezuela (89). It also includes questionnaires from parts of Colombia (24), i.e. the cities of Bogotá, Cali and Medellín and the state of Manizales, as well as the state of West Bengal in India (199). It needs to be noted that several items in the survey were responded to by only some of the participants. In part, this is due to the fact that some questions followed up on other questions and became irrelevant if the previous questions had been answered in the negative. We have added endnotes to indicate the cases in which only some of the participants responded to a given question. The country chapters provide more detail regarding the share of respondents who answered given questions.

Age and migration

The average age of all participants was 28.5 years, varying strongly across the countries. For example, while the average in Thailand and India (West Bengal)⁷ was 25.5 years, with 75 per cent and 68 per cent of respondents, respectively, under the age of 23, in Turkey it was 35, with only 5 per cent under 23, but 38 per cent over 35. > [Table 1](#)

Table 1 | Age

	Philippines	Serbia	Thailand	Tonga	Turkey	Venezuela	Colombia	India (West Bengal)
Average	27.5	30.5	25.5	28.0	35.0	28.9	26.8	25.5
< 23	59%	19%	75%	38%	5%	53%	63%	68%
24 - 27	17%	22%	11%	19%	11%	15%	17%	18%
28 - 30	16%	19%	6%	9%	14%	15%	8%	9%
31 - 35	9%	15%	8%	14%	32%	18%	13%	6%
> 35	0%	26%	0%	20%	38%	0%	0%	0%

Table 2 | Residence and migration

	Philippines	Serbia	Thailand	Tonga	Turkey	Venezuela	Colombia	India (West Bengal)
Born in country	98%	100%	96%	99%	96%	96%	100%	95%
Raised in current location	84%	56%	72%	93%	62%	60%	63%	81%

Table 3 | Gender identity

	Philippines	Serbia	Thailand	Tonga	Turkey	Venezuela	Colombia	India (West Bengal)
Trans women	78%	36%	89%	-	86%	80%	96%	95%
Trans men	13%	64%	1%	-	8%	20%	4%	1%
Other	3%	-	8%	100%	6%	-	-	-
No answer	6%	-	2%	-	-	-	-	4%

The vast majority of all participants were born in the respective countries, ranging from 95 per cent in India to 100 per cent in Colombia and Serbia.⁸ Furthermore, the majority of all participants lived in the city, village or island where they were born and raised, ranging from 56 per cent in Serbia to 93 per cent in Tonga. > [Table 2](#)

Details regarding migration and the reasons for migration can be found in the country chapters.

Gender identity and expression

As explained above, the questionnaires also included questions regarding the respondents' specific gender identity. With the exception of Serbia, where 64 per cent identified as FTM, overall trans women and female-identified trans and gender-diverse people (the local identity Leiti in Tonga) are prevalent. The share of trans women and female-identified trans and gender-diverse people ranged from around 80 per cent in the Philippines and Venezuela to 96 per cent in Colombia and Tonga, respectively. > [Table 3](#)

There might be two major reasons for the predominance of trans women and female-identified trans and gender-diverse people. On the one hand, with the exception of Serbia, in all countries the research was implemented by organisations dominated by female-identified trans and gender-diverse people, who have better contacts to these

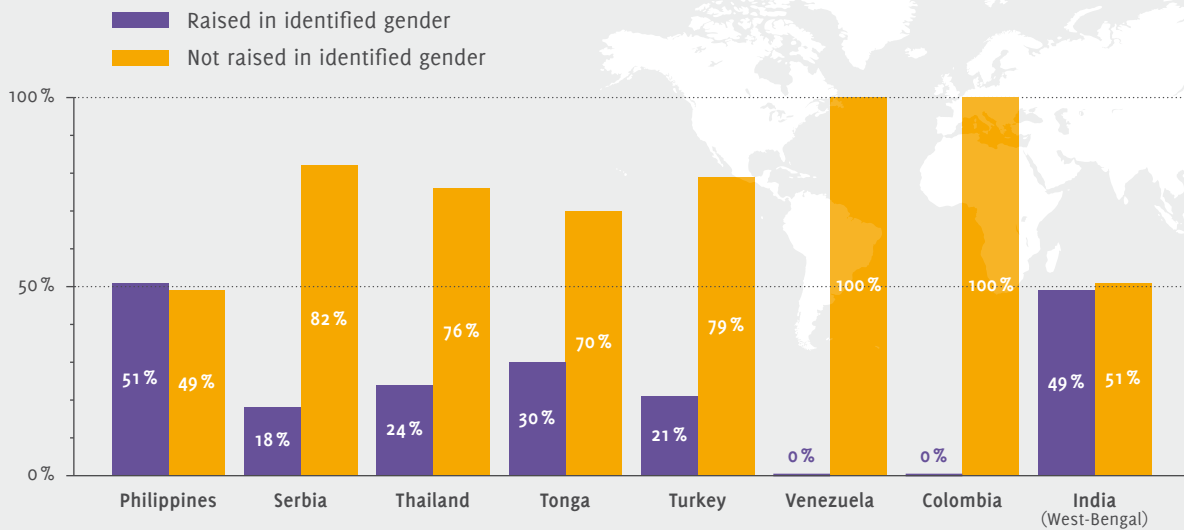


Figure 2 | Live in preferred gender

communities. On the other hand, in many countries female-identified trans and gender-diverse people are more visible than male-identified trans and gender-diverse people, which may facilitate outreach. Still, the lack of male-identified trans and gender-diverse people's voices in the TVT survey poses a challenge to the interpretation of the findings and must be addressed in future research.

The question of whether respondents were raised in the gender identity they now identify with resulted in some expected and some unexpected results. While all participants in Colombia and Venezuela stated that they were not raised in the gender they now identify with, and while more than two-thirds stated the same in Serbia, Turkey, Thailand and Tonga, in India (West Bengal) and the Philippines only half of the respondents stated that they were not raised in the gender they now identify with. > [Figure 2](#)

A more homogeneous result ensued from the question of whether respondents live in the gender they identify with. The vast majority of all respondents in all countries except India (West Bengal) stated that they always or often live in the gender they identify with: 96 per cent in Thailand, 95 per cent in Turkey, 94 per cent in Venezuela, 92 per cent in Colombia and Tonga, 90 per cent in the Philippines and 86 per cent in Serbia. In India (West Bengal), only 51 per cent of respondents said the same,

while 11 per cent stated that they never live in the gender they identify with. > [Table 4](#)

Legal gender recognition

In stark contrast to these findings, the question of whether the gender the participants identify with is reflected in their identity documents was mostly answered in the negative. While a vast majority in all countries except India (West Bengal) said that they always or often live in the gender they identify with, for a vast majority in all countries except Serbia, this gender is not recognised in their legal documents. In Colombia and Venezuela, 100 per cent; in Tonga, 99 per cent; in Thailand, 97 per cent; in India, 96 per cent; in the Philippines, 94 per cent; in Turkey, 82 per cent; and in Serbia, 62 per cent of all respondents stated that their gender identity is not legally recognised. > [Figure 3](#)

This finding not only highlights the need for legal gender-recognition legislation in the Philippines, Thailand, Tonga, Serbia⁹ and Venezuela, but it also raises questions regarding the practical application of legal gender-recognition legislation in India (West Bengal) and Turkey. Fortunately, in June 2015 Colombia's Ministry of Justice and the Ministry of the Interior signed a decree that eliminates the need for psychiatric or physical examinations to prove

Table 4 | Live in preferred gender

	Philippines	Serbia	Thailand	Tonga	Turkey	Venezuela	Colombia	India (West Bengal)
Always	85%	67%	94%	91%	89%	82%	88%	44%
Often	5%	19%	2%	1%	6%	12%	4%	17%
Sometimes	9%	11%	2%	3%	4%	4%	8%	14%
Rarely	0%	4%	0%	2%	1%	1%	0%	14%
Never	1%	0%	1%	4%	1%	0%	0%	11%

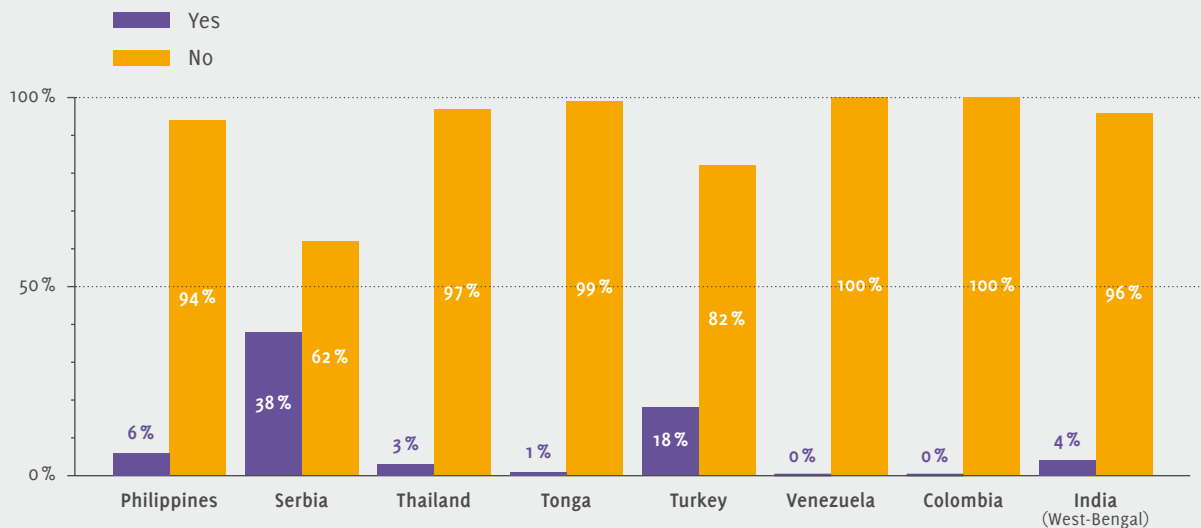


Figure 3 | Gender recognised in documents

an individual's gender identity, thereby simplifying the process of legally changing one's gender. On 9 June 2015, the first ten Colombian trans people took advantage of the new rules.¹⁰ Further details, e.g. regarding the effects of the lack of legal gender-recognition legislation or the problems with existing legislation, can be found in the country chapters.

Experiences in school

All or almost all respondents had some kind of formal school education, with some exceptions in the Philippines (87 per cent), Tonga (90 per cent) and Thailand (92 per cent).

The analysis of the respondents' school experiences reveals some worrisome trends in all countries. In more than half of the countries (Philippines, Turkey, Serbia, Venezuela, Colombia), a third to half of respondents said that they found it hard to change classes or schools due to negative experiences involving their identity. In Tonga, only 2 per cent stated that it was hard to change classes or schools, while in Thailand and India (West Bengal), 10 per cent and 19 per cent, respectively, stated the same. Disrespect from their teachers due to their gender identity was experienced by a third or more of respondents in Venezuela, Serbia and Colombia. In Colombia, 22 per cent stated that they experienced violence from their teachers due to their identity, in India (West Bengal) and the Philippines 13 per cent did so and in Venezuela 9 per cent, followed by Tonga (6%), Thailand (5%), Serbia (4%) and Turkey (2%).

While this question was not explicitly included in the survey, it is important to note that not all participants expressed their preferred gender while at school, and the question of when participants started to express their

identity within their family sheds some light in this regard. While for Colombia, the Philippines, Thailand and Tonga, the average age ranged from 9.6 (Thailand) to 10.7 (Tonga), in India (West Bengal) the average was 12.1, and in Venezuela 13.6. In Serbia and Turkey, the average age participants gave was 16.5 and 17.5, respectively. The author of the Turkish country report also mentions that many trans people in Turkey are forced to quit school. One of the respondents in Serbia stated that they changed schools because they were sexually abused at the first school they attended. In the Philippines, conservative Christian school policies require pupils to wear gendered uniforms.

The figures regarding bullying by other students because of one's identity are extremely worrisome: in more than half of the countries, between half and almost all respondents stated that they experienced bullying. In Colombia, 92 per cent experienced bullying at school, followed by Venezuela (78%), the Philippines (72%), Turkey (61%) and Serbia (50%). In India (West Bengal) 37 per cent stated that they were bullied, in Thailand 27 per cent and in Tonga 8 per cent.

With the exception of Thailand, in all countries a quarter to two-thirds of respondents stated that they experienced physical attacks by other students due to their identity. In Colombia, 67 per cent said that they were physically attacked by other students, followed again by Venezuela (47%), India (West Bengal) (32%), Turkey (31%), Tonga (28%), Serbia (22%) and the Philippines (22%). Again, the late age at which trans people in Serbia and Turkey in particular might have started to express their identity needs to be kept in mind. Even more worrisome are the figures regarding the experiences of sexual violence at school. In India (West Bengal) and Colombia, almost half of the respondents stated that they experienced sexual

Table 5 | Discrimination at school

	Philippines	Serbia	Thailand	Tonga	Turkey	Venezuela	Colombia	India (West Bengal)
Formal education	87%	100%	92%	90%	98%	100%	100%	100%
Difficulties in changing schools/classes	30%	34%	10%	2%	33%	42%	54%	18%
Disrespect by teachers	24%	32%	12%	4%	18%	31%	42%	22%
Violence by teachers	13%	4%	5%	6%	2%	9%	22%	13%
Bullying by students	72%	50%	27%	8%	61%	79%	92%	37%
Violence by students	22%	25%	8%	28%	31%	47%	67%	32%
Sexual violence	35%	4%	29%	13%	23%	29%	46%	48%

violence from other students due to their identity, followed by the Philippines, Venezuela and Thailand, where up to a third of all respondents did so. In Tonga, where 8 per cent of the respondents reported experiences of sexual violence at school, one of the respondents explained that she was often forced to have intercourse by the older boys. Another declared that she was forced to perform oral sex in the dormitory.

In sum, the survey indicates the strong need to consider the experiences of trans and gender-diverse people at school. Given the high levels of Transrespect in Tonga (see below), for instance, the high number of experiences of physical attacks and sexual violence in school in that country are particularly worrisome. Experiences at school are discussed at length in the chapters on the Philippines and Tonga. Moreover, violent and discriminatory behaviour by teachers and other students might also be part of the reason that many trans and gender-diverse people start to express their identity only during late adolescence in other contexts like the family, especially in Serbia and Turkey. > [Table 5](#)

Experiences with jobs and paid work

Another strong variance across countries can be observed in regard to experiences in the labour market. In response to whether participants earn their living through paid work, affirmative answers range from 33 per cent in India (West Bengal) and 42 per cent in Colombia to 78 per cent in Tonga and 88 per cent in Turkey. Interestingly, several participants from the Philippines reported being especially

appreciated by their family members because they support their families financially. In Colombia, 87 per cent of respondents stated that they have been refused employment often or once or twice because of their gender identity; in Venezuela, 84 per cent said the same, and in Turkey 52 per cent, but in Tonga only 4 per cent have had this experience. In Serbia, where 11 per cent of the respondents reported such experiences, one of the respondents explained that the fact that their gender marker does not match their appearance repels most employers.

The question of whether respondents have ever lost their job because of their gender identity was answered in the affirmative by 39 per cent of respondents in Turkey and 19 per cent in Venezuela, but by only 5 per cent in Tonga and 2 per cent in Thailand. Employment support, for instance in the form of training, was received by 41 per cent of respondents in the Philippines, 36 per cent in India (West Bengal) and 30 per cent in Tonga, but only 1 per cent in Venezuela and none in Colombia.

These experiences may also be reflected in the number of trans and gender-diverse people who earn their money through sex work. Ninety-nine per cent of respondents in Colombia, 76 per cent in Turkey, 68 per cent in Venezuela and 47 per cent in the Philippines, but only 21 per cent in Tonga and 14 per cent in Serbia, stated that they earn their living by doing sex work. > [Table 6](#)

The large number of sex workers in Colombia, Venezuela and Turkey may relate to the high level of discrimination in the labour market, as well as to the extremely worrying degree of violence and discrimination faced by trans and gender-diverse people at school. As

Table 6 | Discrimination at job

	Philippines	Serbia	Thailand	Tonga	Turkey	Venezuela	Colombia	India (West Bengal)
Paid work	55%	46%	54%	78%	88%	61%	42%	33%
Employment refused	40%	11%	22%	4%	52%	84%	87%	12%
Lost job	11%	12%	2%	5%	39%	18%	11%	0%
Sex work	47%	14%	37%	21%	76%	68%	95%	26%
Employment support	41%	8%	16%	30%	2%	1%	0%	36%

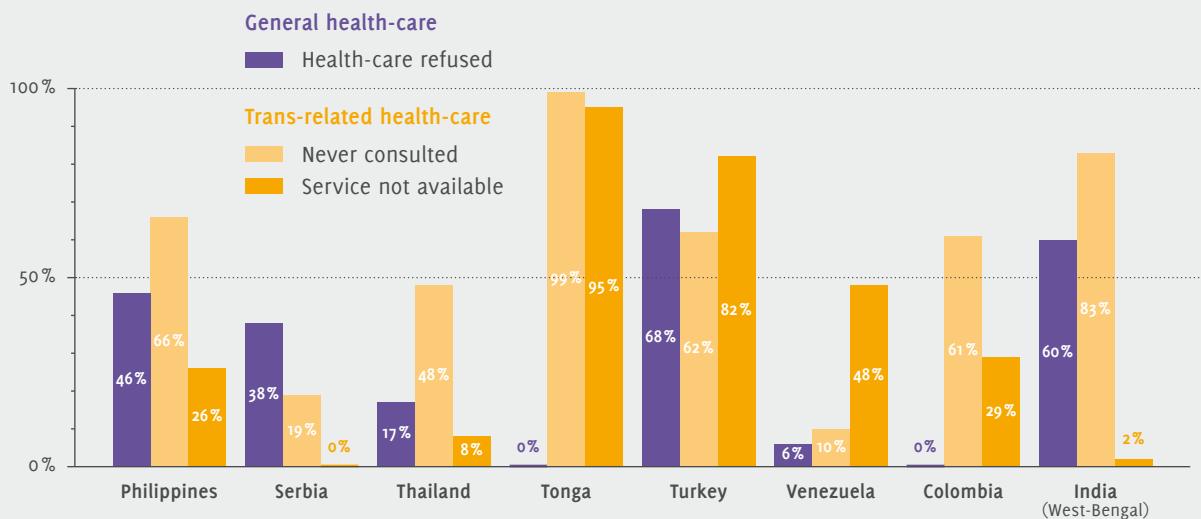


Figure 4 | General and trans-related health-care

Balzer demonstrated in his study on trans people in Rio de Janeiro, several trans sex workers started doing sex work as teenagers mostly because of their transphobic experiences in school and family environments.¹¹ Overall, the varying number of participants in the different countries needs to be kept in mind, especially in the case of Serbia. The comparatively low number of reported trans sex workers in Serbia may be a result of the difficulties the local project partner encountered in reaching out to trans sex workers. This possibility should be considered in further research.

At any rate, both experiences with paid work in general and with sex work in particular suggest an acute need to improve trans and gender-diverse people's employment situation across all countries.

Experiences with the health-care system

The number of trans and gender-diverse people who have been refused general health-care services because of their identity is surprising. In Turkey, 24 respondents (or 68% of all respondents who answered the question) stated that they were refused general health-care services because of their identity. In the Philippines, 13 respondents (or 46% of all respondents who answered the question) answered the same, while in Venezuela eight (or 6% of all respondents who answered the question), in India (West Bengal) six (or 60% of all respondents who answered the question), in Thailand two (or 17% of all respondents who answered the question) and in Colombia and Tonga none of the respondents answered the same. In Serbia, for instance, one of the respondents explained: *'The doctor refused to examine or look at me and wrote that I am healthy'*.

A different picture emerges from the analysis of questions regarding trans-related health-care services. Ninety-nine per cent of respondents in Tonga stated that they have never consulted health-care professionals for trans-related health-care services. Non-consultation was also prevalent in most other countries: 83 per cent in India (West Bengal), 66 per cent in the Philippines, 62 per cent in Turkey, 61 per cent in Colombia and 48 per cent in Thailand have never received trans-specific health care. The rate in Thailand is surprising, since Thailand is seen as the country to which most trans people in the region travel in order to have gender-reassignment surgery. The authors of the Thailand chapter conclude that *'trans-specific health-care is still uncommon in Thailand'*. Only in Serbia did a majority of respondents (81%) say that they have received trans-related health services. The reasons given for non-consultation vary from a lack of availability to a lack of knowledge of how to access the services to the prohibitive cost. While in Tonga and Turkey, a majority of 95 per cent and 82 per cent, respectively, stated that trans-related health-care services are not available, in Thailand (8%), India (2%) and Serbia (0%) very few people or none said the same.¹² The survey questionnaire contained several specific questions regarding trans-related health-care, which we have not analysed comparatively due to the inconsistencies in the respondent numbers. These questions are analysed in detail in the country chapters. > [Figure 4](#)

Experiences within religious communities

The majority of respondents belong to one of four major world religions: Buddhism (97% in Thailand), Christianity (96% in Tonga, 91% in the Philippines, 83% in Colombia, 70% in Venezuela, and 3% in Serbia), Hinduism (82% in India (West Bengal)) and Islam (76% in Turkey). Only in

Table 7 | Religion

	Philippines	Serbia	Thailand	Tonga	Turkey	Venezuela	Colombia	India (West Bengal)
Buddhist	1%	0%	97%	0%	0%	0%	0%	0%
Christian	91%	63%	1%	96%	3%	70%	83%	0%
Hindu	0%	0%	0%	0%	0%	0%	0%	82%
Jewish	0%	0%	0%	0%	0%	0%	0%	6%
Muslim	2%	4%	2%	0%	76%	0%	0%	12%
Sikh	0%	0%	0%	0%	0%	0%	0%	0%
Taoist	0%	0%	0%	0%	0%	0%	0%	0%
No religion	4%	33%	0%	4%	15%	30%	17%	0%
Other	4%	0%	0%	0%	6%	0%	0%	0%

Serbia and Venezuela did a third of participants state that they have no religion. > [Table 7](#)

The ways in which the respondents have been treated and behave within their religious communities varies from religion to religion, and also from country to country. In all countries except India (West Bengal) (82% Hindu, 12% Muslim, 6% Jewish), only 1 to 6 per cent of the respondents belonged to a religion other than the country's dominant one. Due to the lack of reliable data, we focus in the following only on experiences with the major religion in each country.

Of the 97 per cent of trans and gender-diverse people in Thailand who are Buddhist, 80 per cent said they are always open regarding their identity, and 98 per cent said they are allowed to participate in religious services. Of the 82 per cent of trans and gender-diverse people in India (West Bengal) who are Hindu, only 12 per cent stated they are always open regarding their identity, and 81 per cent said they are allowed to participate in religious services. Of the 76 per cent of trans and gender-diverse people in Turkey who are Muslim, only 16 per cent said they are always open regarding their identity, and 84 per cent said they are allowed to participate in religious services.

There is quite some variety with regard to trans and gender-diverse people who are Christian in Christian-majority

countries. In Tonga, 96 per cent of trans and gender-diverse people are Christian, 80 per cent of whom reported that they are always open about their identity. In the Philippines, 71 per cent (of 91% Christians), in Venezuela 23 per cent (of 70% Christians) and in Serbia 23 per cent (of 63% Christians) reported the same. At the same time, 100 per cent of the Christian trans and gender-diverse people in Serbia said that they are allowed to participate in their religious community;¹³ 91 per cent in Tonga and 77 per cent in the Philippines, but only 11 per cent in Venezuela, said the same.

The variation regarding Christian trans and gender-diverse people's experiences in different countries clearly shows that the religious acceptance of trans and gender-diverse people cannot be attributed to the different religions as such, but must be connected to the particular social and cultural contexts in question. This is suggested especially by comparing Tonga on the one hand and Colombia and Venezuela on the other. > [Table 8](#)

Experiences in society | Transrespect versus discrimination and violence

While the previous sections have focused on particular domains such as school, work and family, the last section of the survey addressed overall experiences in society. With

Table 8 | Experiences with major religion

	Philippines	Serbia	Thailand	Tonga	Turkey	Venezuela	Colombia	India (West Bengal)
Being open within religious community								
Always	71%	23%	80%	80%	16%	23%	33%	12%
Sometimes	11%	0%	7%	12%	13%	20%	39%	2%
Have not tried	15%	54%	7%	7%	67%	16%	6%	35%
Not part of religious community	3%	23%	6%	1%	4%	41%	22%	51%
Allowed to participate in religious services								
No	16%	0%	2%	5%	8%	78%	38%	0%
Only when I hide my identity	7%	0%	0%	4%	8%	11%	25%	19%
Yes	77%	100%	98%	91%	84%	11%	37%	81%

the exception of Tonga, the majority of respondents in all countries stated that they believe that trans and gender-diverse people are especially discriminated against in society, ranging from 100 per cent in Colombia and Venezuela to 89 per cent in Serbia, 88 per cent in Turkey, 82 per cent in India (West Bengal), 54 per cent in Thailand and only 22 per cent in Tonga. As the authors of the Thailand chapter note, the TVT survey reveals that discrimination against trans people in Thailand exists, and that the view that Thailand is a 'paradise for trans people' is a misconception.

A more differentiated perspective is offered by the results to the question of whether respondents feel that trans and gender-diverse people are always discriminated against. Here, 66 per cent of all respondents in Turkey answered in the affirmative, followed by 39 per cent in Colombia, 35 per cent in Venezuela, 32 per cent in India (West Bengal), 19 per cent in the Philippines, 15 per cent in Serbia, 13 per cent in Thailand and only 2 per cent in Tonga.

The belief that trans and gender-diverse people are discriminated against in (mainstream) society corresponds to the reported experiences of being bullied or attacked. Eighty-eight per cent of respondents in Colombia and 84 per cent in Venezuela stated that they have been bullied or attacked because of their identity, followed by 73 per cent in Turkey, 40 per cent in India (West Bengal), 36 per cent in Serbia, 28 per cent in the Philippines, 16 per cent in Tonga and only 5 per cent in Thailand.

The reported forms of violence include death threats, sexual violence, blackmail and extortion, as well as physical aggression. The analysis shows a large variety in regard to these forms of violence. In Turkey, 43 respondents stated that they have received death threats, followed by 13 respondents in India (West Bengal), eight in Venezuela, five in the Philippines, one each in Colombia and Serbia and none in Tonga. Attacks including physical violence were reported by 64 respondents in Turkey, followed by 27 in Venezuela, 22 in India (West Bengal), 14 in the Philippines, seven in Colombia, five each in Thailand and Tonga and two in Serbia. Even more saddening is the amount of sexual violence that trans and gender-diverse people have experienced. In Turkey, 56 respondents stated that they have experienced sexual violence, followed by 41 in India (West Bengal), 16 in the Philippines, ten in Venezuela, seven

in Thailand, four each in Colombia and Tonga and one in Serbia. The country chapters offer examples of these horrible forms of violence. The amount of the various forms of violence is concerning. This is especially true for Turkey, where more than half of all respondents stated that they have experienced violent attacks (58%) and sexual violence (51%). Thus, in the Turkey chapter, the focus is on the different forms of violence experienced and their contexts.

> [Table 9](#)

This trend is also reflected in the figures relating to experiences of police harassment on the basis of one's identity. An in-depth analysis showed that trans and gender-diverse people are disproportionately affected by police harassment in most countries. The situation is particularly worrying in Colombia, Venezuela and Turkey. In Colombia, 95 per cent of all respondents reported that they have experienced police harassment, and 52 per cent that they have experienced it often; in Venezuela, 80 per cent reported they have experienced police harassment, 34 per cent stating they have done so often; and in Turkey, 75 per cent reported experiences of police harassment, with 61 per cent stating often.

Experiences of police harassment are even higher among trans sex workers. All trans sex workers in Colombia reported having experienced police harassment, and 60 per cent said this is *always* the case; 97 per cent in Venezuela reported experiences of police harassment, 56 per cent saying that it is always the case; 79 per cent of trans sex workers in Turkey reported having experienced police harassment, and 62 per cent stated that they have often done so. The Turkey chapter contains an extensive discussion of the violence and discrimination faced by trans sex workers in Turkey and describes the case of a trans sex worker who was brutally beaten by the police.

Only in Tonga and Serbia – the countries with the fewest sex workers among the respondents – did none of the sex workers report experiences of police harassment. In Tonga, this finding must be seen in the context of the overall figures, as only one person reported police harassment on the basis of their identity, while in Serbia it must be seen in the context of the difficulties in reaching out to trans sex workers. These findings highlight the need to account for the complex accumulation and intersection

Table 9 | Discrimination by society

	Philippines	Serbia	Thailand	Tonga	Turkey	Venezuela	Colombia	India (West Bengal)
Discrimination (always/often/sometimes)	80%	89%	54%	22%	88%	100%	100%	82%
Discrimination (always)	19%	15%	13%	2%	66%	35%	39%	32%
Bullied/attacked	28%	36%	5%	16%	73%	84%	88%	40%

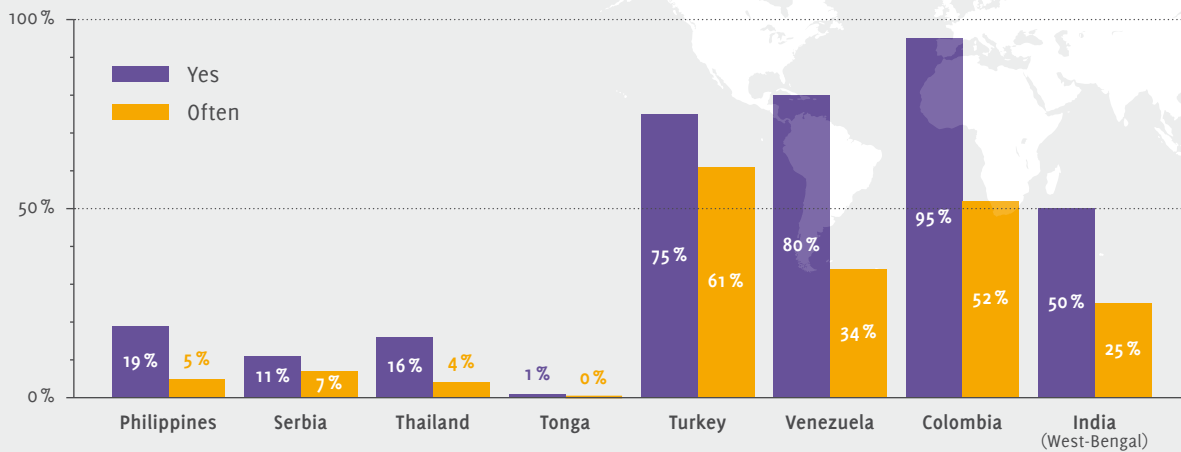


Figure 5 | Experiences of police harassment

of transphobic experiences. Trans and gender-diverse people who turn to sex work due to discrimination and violence in domains like school and the labour market are particularly vulnerable to additional violence in the context of sex work. The Turkey chapter in particular discusses sex workers' experiences at length, also pointing to the need to consider the intersection of Transphobia and violence and discrimination against sex workers. > [Figure 5/ Figure 6](#)

Contrasting the above views on social and societal Transphobia – i. e. the experienced forms of discrimination and violence in school, in the labour market, by the police, within religious communities and in society as a whole – with the views on social and societal Transrespect – i. e. the experiences of specific acknowledgement in these areas – reveals some clearer insights into the overall situation in these countries, especially regarding the significance of school.

In Tonga, 99 per cent of the respondents stated that they believe that trans and gender-diverse people receive specific acknowledgement because of their identity, i. e. Transrespect, within society, and a remarkable 76 per cent said they always do so. Similarly, in the Philippines 88 per cent said that they have received specific acknowledgment because of their identity, and 33 per cent stated that they always do so. In Turkey, by contrast, only 40 per cent stated that they have experienced Transrespect, and only 2 per

cent stated that they always do so; and in Serbia only 19 per cent stated that they have experienced Transrespect, and none said that they always do so. In Venezuela and Colombia, 75 per cent and 65 per cent, respectively, stated that they have experienced Transrespect, while no respondent in either country stated that they always do so.

In school, experiences of Transrespect were reported as occurring often by 38 per cent of respondents in the Philippines, 28 per cent in Thailand, 16 per cent in Turkey and 10 per cent in India (West Bengal), but by none in Colombia, Serbia, Tonga and Venezuela. This shows that even in countries with high levels of societal Transrespect and low levels of social discrimination, school is the Achilles heel when it comes to Transrespect. This is an especially worrisome result in Tonga, as is elaborated in the country chapter. That school experiences stand out is also suggested by the results regarding the employment situation, which reflects overall experiences with Transrespect and specific acknowledgement. Seventy-three per cent of respondents in Colombia and 63 per cent in the Philippines and Venezuela stated that they were employed on the basis of specific skills related to their identity, followed by 43 per cent in Thailand, 36 per cent in India (West Bengal), 20 per cent in Tonga, 9 per cent in Turkey and 7 per cent in Serbia. > [Table 10](#)

Table 10 | Experiences of Transrespect

	Philippines	Serbia	Thailand	Tonga	Turkey	Venezuela	Colombia	India (West Bengal)
Society (always / often / sometimes)	81 %	19 %	67 %	98 %	40 %	74 %	65 %	27 %
Society often	33 %	0 %	26 %	76 %	2 %	0 %	0 %	1 %
School often	38 %	0 %	28 %	0 %	16 %	0 %	0 %	10 %
Empl. due to skills (often / once-twice)	63 %	7 %	43 %	20 %	8 %	63 %	73 %	36 %

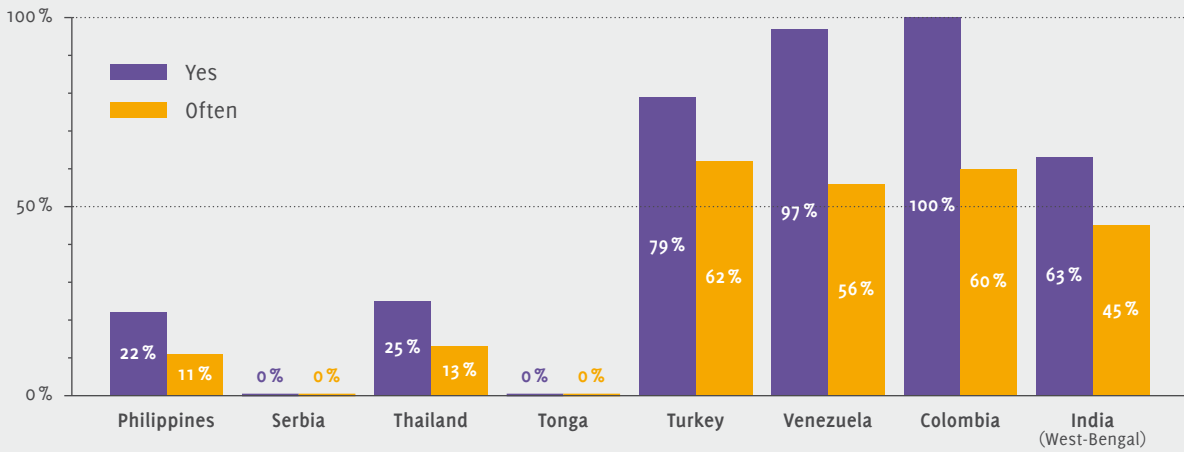


Figure 6 | Sex workers' experiences with police harassment

1.4 Conclusion

As stated at the beginning of this chapter, a major obstacle in developing concrete steps towards changing the social situation of trans and gender-diverse people is the lack of data. The present TvT survey tries to address this issue for a small selection of countries. The results confirm the experiences of trans activists with empirical data on many issues, including police violence against trans sex workers. At the same time, they reveal blind spots of discrimination and Transphobia, including the situation of trans and gender-diverse children and teenagers.

Frequently, the enactment of new legal gender-recognition legislation and improvements in its implementation are seen as an important first step in improving the human-rights situation of trans and gender-diverse people.

However, the comparative findings indicate a strong need for a comprehensive approach that includes complex and manifold responses targeted at a range of specific social domains. Here, facets specific to local political and social situations have to be taken into consideration. For instance, even where positive experiences of respect and acknowledgement are reported, expressing one's identity seems to be particularly problematic during adolescence and in the school context.

The Tonga Leiti Association (TLA) has gained a great deal of experience with school drop-outs and provides scholarship programmes for them to receive a better education and training for the labour market. In the Philippines, an anti-bullying law for elementary and secondary schools addressing sexual orientation and gender identity was passed in 2013, and activists are currently pushing for its implementation. Such responses,

| 'Transfobi öldürür - Transphobia kills' - Manifestation against transphobic hate violence in Ankara (Turkey), November 2010



which are elaborated in more detail in the country chapters, may serve as an inspiration for how NGOs and institutions could react to the difficult situation faced by trans and gender-diverse people in schools and the labour market.

In countries like Colombia, Venezuela and Turkey, sex workers in particular report high levels of violence and discrimination at the hands of state authorities, highlighting the need to address issues like arbitrary police violence and the state of the criminal justice system in these countries.

The author of the Turkish chapter was brutally assaulted, robbed and threatened with death before being subjected to ill-treatment by the police in July 2015, as a result of which an international campaign by several movements started to raise awareness of the situation in Turkey. Five major networks (IGLYO, ILGA-Europe, ICRSE, SWAN and TGEU) wrote a joint letter demanding that Turkish authorities take immediate action and show political leadership against increasing anti-LGBTI and sex worker hostility in Turkey.

By providing evidence-based data on the discriminatory conditions activists have been combatting for a long time and revealing additional problem areas, this report highlights the need for further studies. This is also evident from some of the biases in the present survey. Thus, as explained earlier, with the exception of Serbia, the experiences of trans men are underrepresented in this study. At the same time, the experiences of sex workers in Serbia do not figure as prominently as perhaps they should. Additionally, in several countries the focus is on particular regions and on the wider social networks associated with activist organisations.

From the very beginning, TGEU has considered continuing and extending its cooperation with partner organisations in implementing the TvT survey in further countries. In 2014, TGEU started talks with the Asia-Pacific Transgender Network (APTN) regarding the extension of the TvT survey to further Asian and Pacific countries. In 2015, a cooperation was decided on and formalised. Thus in 2016, APTN – in cooperation with TGEU – will implement the TvT survey in at least four more Asian countries.



| Tongan Leiti at a float parade during Miss Galaxy Week in Nuku'alofa (Tonga), December 2014

II. The Social Experiences of Leitis in the Kingdom of Tonga

Carsten Balzer / Carla LaGata and Joleen Mataele

II.1 TLA and the Leitis of Tonga

In the Kingdom of Tonga, the trans-led advocacy group Tonga Leiti Association (TLA) carried out a study on *The Social Experiences of Trans and Gender-diverse People* as part of the Transrespect versus Transphobia Worldwide (TvT) project in partnership with Transgender Europe (TGEU).

The research conducted in Tonga brought up two surprising moments. The first concerns the rich sample, signalling very good representation: 108 of estimated 250 Leitis in all the islands of Tonga were interviewed.

Giving the fact that the Kingdom of Tonga encompasses 176 islands, of which 36 are inhabited, and that travel is either extremely time consuming (by sea) or expensive (by air), the questionnaires were filled out in a guided collective session in the capital, rather than through face-to-face interviews. Still, this approach led to the most representative TvT survey sample in the study. In November and December 2012, TLA organised events around the global 'Sixteen days of Activism against Gender-based Violence' and included the implementation of the TvT survey in this event.

A complex system was developed in which villages were grouped in stations. Five Leitis from every station were picked. The outreach to these villages was conducted

through the so-called TLA Road Show. All participants gathered at the retreat centre and the close-by Jowella restaurant in Nuku'alofa, where they met with other Leitis from the outer islands, who came to see the Annual Miss Galaxy Queen Pageant.

This process finally led to 108 completed questionnaires. The interviewees are from the island groups of Tongatapu, Vava'u, Niuaotupapu, Ha'apai, and Eua.

I Definition of Tongan Leitis

There are people who are attracted to the same sex, and people assigned male at birth who feel they are more like women than men, in all Pacific countries. In the West, these people would be regarded as homosexual and transgender. However, these terms do not align neatly with the Pacific's categories of gender and sexuality, which are more diverse and culturally unique and include a wide range of identities that are often particular to local Pacific cultures. The Tongan term *Leiti* is a modern derivation of the English word 'lady'. It is a local term used mainly for people who would be considered female-identifying trans persons in the West. Still, it is as diverse and culturally unique as other Pacific identities.



I TLA Training for the TVT study in Tonga

The vast number of interviewees must be seen in the context of TLA having 122 registered members, and estimating a total of 250 Leitis living openly in all Tongan islands. According to the Tonga Department of Statistics, the population of the Kingdom of Tonga in 2011 was 103,000.¹⁴ This means that the TVT survey sample represents 0.1 per cent of the entire population of the country, and 43 per cent of its estimated visible Leiti community.

The second surprising aspect of the study has to do with the comparatively high level of Transrespect, coinciding with comparatively low levels of Transphobia, in the country. The high level of Transrespect is in contrast to the legal situation of Leitis in Tonga, who not only lack the right to legal gender recognition, but are also subject to two forms of criminalisation: the criminalisation of homosexuality¹⁵ and the criminalisation of cross-dressing under certain circumstances.¹⁶

At the same time, the data show some worrying trends regarding the childhood experiences of Tongan Leitis, ranging from bullying to physical attacks and sexual abuse in schools and families.

Although Tongan Leitis form a subculture with a long history,¹⁷ much recent activism in Tonga has emerged from TLA, which was formed in 1992 to counter public hostility and discrimination due to the fact that Leitis were associated with the AIDS epidemic in the early 1990s. When, in February 1992, the TLA founders took the idea of establishing a new civil-society organisation to look after the welfare and wellbeing of Leitis to Her Royal Highness Princess Salote Mafile'o Pilolevu and to ask if one of her children could be their patron, Her Royal Highness supported the idea and agreed that her eldest daughter Honourable Salote Lupepau'u Salamasina Purea Vahine Ari'i 'oe Hau Tuita would become the patron of the new organisation.

Since then, TLA has received royal patronage and its members have been active in campaigning in the mainstream community as advocates for the Leiti community and promoting HIV/AIDS awareness to youth, family and the Leiti community. TLA also started educating Leiti school drop-outs by providing scholarships and launched Tonga's first ever condom and water-based lubricant campaign 2007. Moreover, TLA campaigns for human rights around sexual diversity with a focus on improving the rights, and celebrating the contribution, of Leitis in Tonga. TLA pursues these aims in various ways, but most importantly by means of the Miss Galaxy Beauty Pageant. For the last 21 years, TLA has held this annual beauty pageant, which has in effect become a 'pride' event for the Pacific region.

I Her Royal Highness Princess Salote Pilolevu, Lord Tuita and Her Excellency Adi Koila Nailatikau (First Lady of Fiji) at the Official Opening of the TLA Office, where the TVT project was introduced





I Tongan Leitis in the Catholic Basilica in Nuku'alofa

The effectiveness of TLA activism in the last two decades could be observed in December 2014 at the Miss Galaxy Week, a one-week celebration for the event's 21st anniversary. The Miss Galaxy Week started on a Sunday with two events. The first was a Holy Mass in the Catholic Basilica of Nuku'alofa, Tonga's capital, in which many Leitis participated in female clothing and their pageant sashes, which explained who they represented.

The second event was a candlelight vigil in a central place in Nuku'alofa linked to World AIDS Day to remember those Leitis who have passed away. It was extremely impressive to see the participation in the latter of not only the patron of TLA, the Honorable Princess Salote Lupepau'u Salamasina Purea Vahine Ari'i 'oe Hau Tuita, but also several politicians and religious leaders who acknowledged the enormous work TLA has done in the last 20 years. The Seven Day Adventists' pastor sang with his daughter and declared: *'To be a good shepherd is to come out of the comfort zone and recognise and work with minorities'*. The president of the Free Church of Tonga said: *'What TLA did in organising this event should have been done by the churches'*. The director of the Ministry of Health also acknowledged that Leitis are leading the way by assisting the Ministry of Health and the Tonga Family Health Association in all HIV-awareness programmes in Tonga. Twenty years ago, however, Leitis

faced enormous discrimination in mainstream society. They were bullied, insulted in the streets, demonised by religious leaders and held responsible for the arrival of AIDS in Tonga.

Thus, the high level of Transrespect and other positive results, which will be outlined below, must be seen as the result of TLA's extremely successful activism over the past 20 years.

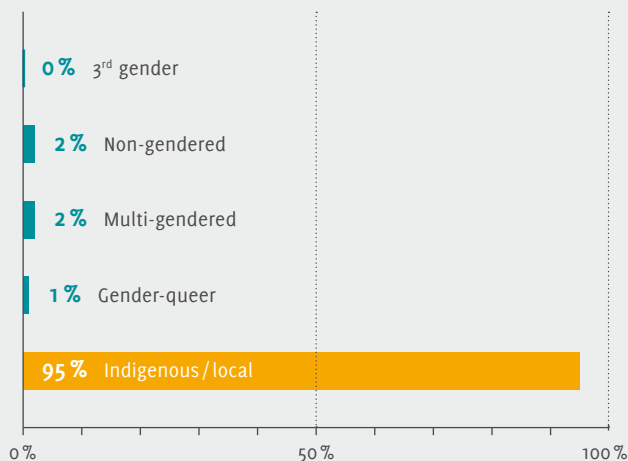


Figure 1 | Self identification (gender)

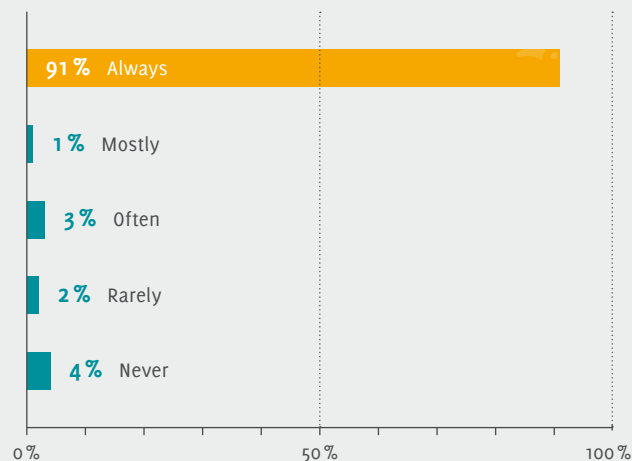


Figure 2 | I live in my preferred gender

II.2 The experiences of Leitis in Tonga

The highly representative sample from Tonga shows a striking homogeneity in regard to several identity aspects of the participants.

All 108 participants answered that they are Tongan. Only three of them had one parent who migrated from another country, i.e. Fiji and India.

Not surprisingly, all Tongans who participated in the survey defined themselves outside the Global North-shaped MTF-FTM binary and chose the third category, 'Other', instead. Ninety-five per cent further specified their identity as an 'indigenous/local identity', naming it 'Leiti' (see definition in the previous section), 2 per cent (i.e. two individuals) defined as 'non-gendered', two as 'multi-gendered' and one as 'gender-queer'. > [Figure 1](#)

However, 99 per cent of all participants reported that their preferred gender was not recognised in their legal documents, and only 1 per cent, or one person, who claimed a non-gendered identity, reported otherwise. This suggests that, with one exception, all Leitis who participated in this research have a gender identity that differs from the one that was assigned to them at birth.

Of the 101 participants who answered the question regarding their religion, 96 per cent stated 'Christian', and four per cent stated that they have no religion. The average age of the participants at the time of the survey was 28.

2.1 The legal situation of Leitis

The research shows that in Tonga there is a striking gap between living in one's preferred gender and having one's preferred gender recognised in one's legal documents. Ninety per cent of the 108 participants stated that they always live in their preferred identity, 1 per cent often, 3 per cent sometimes and 2 per cent rarely, and only 4 per cent stated that they never live in their preferred identity. As reasons for only sometimes or never living in their preferred identity, two stated that it is their own choice not to do so, one referred to not having a fixed gender and six stated that they do not do so because of obstacles. Furthermore, more than two-thirds (70% of the 108 interviewees) stated that they were raised in the gender identity they now identify with.

Because 99 per cent of all participants reported that their preferred gender is not recognised in their legal documents, the vast majority of the 90 per cent of Leitis who always live in their preferred gender face a major challenge in Tonga. > [Figure 2](#)/[Figure 3](#)

Of the 108 participants, 97 per cent stated that the Christian name on their legal documents is not their preferred name. Of the 3 individuals who do have their preferred name on their documents, two stated that their preferred name is a male one, while the third claimed a non-gendered identity.

Another striking gap is evident in the fact that homosexuality and so-called cross-dressing under certain circumstances are criminalised in Tonga (see previous section), but none of the 108 participants has ever been fined, arrested or convicted on the basis of their identity. In fact, only 1 per cent of participants reported having been fined, convicted or arrested, but not for reasons often

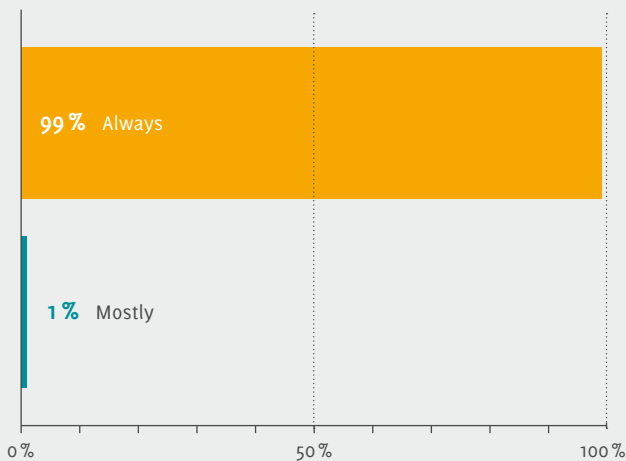


Figure 3 | My preferred gender is legally recognized

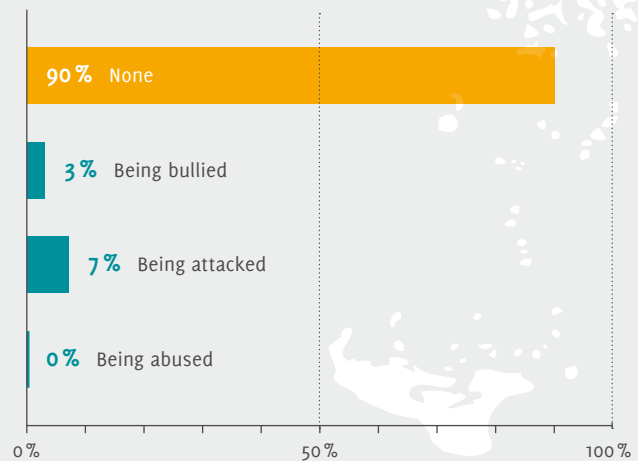


Figure 4 | Negative childhood experiences within own family

experienced by trans and gender-diverse people in other countries, such as homosexuality, ‘cross-dressing’, prostitution or public nuisance. Only 1 per cent of all participants have experienced police harassment. This surprising finding is confirmed by findings regarding experiences with Transrespect and Transphobia in several social areas.

2.2 Leitis in the private sphere

Of the 92 interviewees who answered the question regarding transphobic experiences within their family, 90 per cent stated that they have never had such an experience, 3 per cent reported that they have been bullied, and 7 per cent reported that they have been attacked. Of those who have experienced Transphobia, five interviewees mentioned that as children and teenagers they were ‘forced to talk and act like a man’, three mentioned that family members did not like their being open as a Leiti, three reported violence from male family members, one was sexually abused by a cousin at the age of 12, one was hit by their father for ‘not acting like a man’, and one reported: ‘My brother used to put a rope on my neck to hang me so I would talk and act like a man’.

> Figure 4

On the flipside, of the 57 interviewees who answered the question regarding experiences of Transrespect within their family, more than half (33 interviewees or 58%) reported that they receive family support in regard to their gender identity. As examples, many of them reported that female family members (‘my mother’, ‘my aunty’, ‘my grandmother’) support them in regard to their Leiti identity. Three reported that family members have bought make-up or female clothes for them or supplied them with ‘all my girly stuff’. While ten interviewees, or 9 per cent of all survey participants, reported having had transphobic

experiences in their family, 33 interviewees, or 30 per cent, reported having experienced Transrespect in their family.

Of all 108 participants, 91 per cent declared that they are open as a Leiti to all or to some of their friends (84% to all, 7% to some), 4 per cent are not open and 5 per cent have never tried to be open. Of the 98 participants who answered the question regarding whether their friends appreciate their Leiti identity, 73 per cent stated always, 7 per cent often, 12 per cent sometimes, 3 per cent rarely and only 4 per cent never. At the same time, of the 99 participants who answered the question regarding whether their friends disrespect their Leiti identity, 60 per cent answered never,

I Prison experiences

Seven per cent of all participants, i.e. seven participants, reported that they have been in jail, but not because of their Leiti identity. Of the six respondents who answered the question regarding which prison cell they would prefer, if they could choose one, four answered a men’s cell, one answered a women’s cell and one answered a separate unit relating to their gender identity. Three answered the question regarding which cell they were put in: one was put in a cell that did not correspond to their gender, another in a cell that did correspond to their gender and the third in solitary confinement. However all seven answered that their identity did not affect the way they were generally treated in prison, although three of them reported that they did experience sexual violence: one by other inmates, one by prison staff and one by inmates and staff.

20 per cent rarely, 18 per cent sometimes and 2 per cent often. No one answered always.

This means that the vast majority (92%) of the 98 respondents who answered the question have experienced that their Leiti identity is appreciated by their friends. At the same time, 60 per cent of 99 interviewees stated that they never experience disrespect regarding their identity from their friends, but 38 per cent said that they experience disrespect rarely or sometimes, and only 2 per cent often. Of those who sometimes experience disrespect, two gave the following examples: *‘When I am out in church’* and *‘It really depends on your surroundings’*.

Ninety-six of the 108 participants answered the question regarding whether they are open regarding their identity with their partner, spouse or lover. Of these, 54 per cent answered that they are very open, 39 per cent answered that they are open in some respects and 7 per cent answered that they do not try to be open. Eighty-nine Leitis answered the question regarding whether their partners/spouses/lovers appreciate their identity: of these, 35 per cent answered always, 36 per cent often, 7 per cent sometimes, 18 per cent rarely, and 4 per cent never. Of the 90 participants who answered the question regarding whether their identity is disrespected by their partner, spouse or lover, 79 per cent answered never, 12 per cent rarely, 6 per cent sometimes, 2 per cent often and 1 per cent always. This means that over three-quarters have their identity appreciated by their partner, spouse or lover, and that almost the same proportion reported that they have never experienced disrespect in regard to their identity by their partner, spouse or lover.

The results regarding the experiences with friends and with partners, spouses or lovers reflect the results

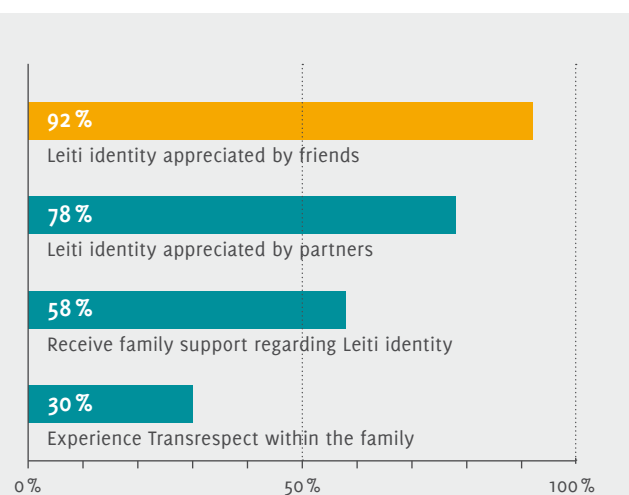


Figure 5 | Experiences of Transrespect in the private sphere

regarding experiences within the family: a vast majority of Leitis in Tonga reported that they have had positive experiences instead of negative ones, and that the Leiti community’s experiences of Transrespect and appreciation outnumber the experiences of Transphobia and disrespect within very important social environments: family, friends and partners. > Figure 5

2.3 Leitis at school

While Leitis have had more positive than negative experiences with family, friends and partners regarding their identity, their experiences at school show a slightly different picture.

The questions regarding experiences at school were generally answered by 97 to 100 of the 108 survey participants (average 98.5). Of these, 86 per cent reported that their identity did not affect their overall treatment at school, while 14 per cent said it did. Ninety-eight per cent did not find it hard to move into a new school or class because of their identity, while 1 per cent experienced problems once or few times and 1 per cent often. Ninety-nine per cent also reported that their achievements were not acknowledged less than those of others because of their identity, while 1 per cent reported that they were. At the same time, 98 per cent reported that they never experienced special respect or acknowledgement because of their identity at school, whereas 2 per cent reported that they did. One hundred per cent reported that they never experienced special respect or acknowledgement because of their identity by their teachers. At the same time, 96 per cent reported that they never experienced disrespect from their teachers because of their identity, while 2 per cent experienced disrespect once or few times and 2 per cent often. As examples, two of the respondents reported that they were told off for being a Leiti, one reported that she was hit for being a Leiti and one stated that she experienced disrespect by teachers *‘only when I overacted as a girl’*. Ninety-four per cent reported that they never experienced physical violence from their teachers because of their identity, while 6 per cent reported that they experienced physical violence from their teachers because of their identity once or few times. As examples, these 6 per cent stated: *‘The teacher hit me on the head’*, *‘Because I didn’t participate in boys’ activities’*, or *‘Only when I showed too much of my true identity’*. Ninety-two per cent answered that they have never been excluded, bullied or insulted because of their identity by other pupils or students, 5 per cent had these experiences once or few times, and 3 per cent often. These 8 per cent gave the following examples: *‘Just because of me being a Leiti’*; *‘Boys always asked me to suck them’*; *‘Teasing and bullying me in the*

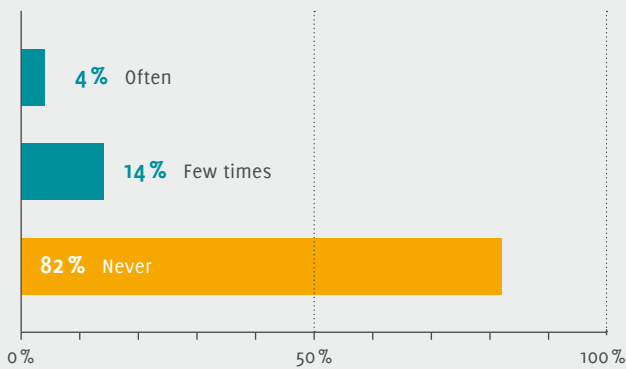


Figure 6 | Physically attacked by students at school

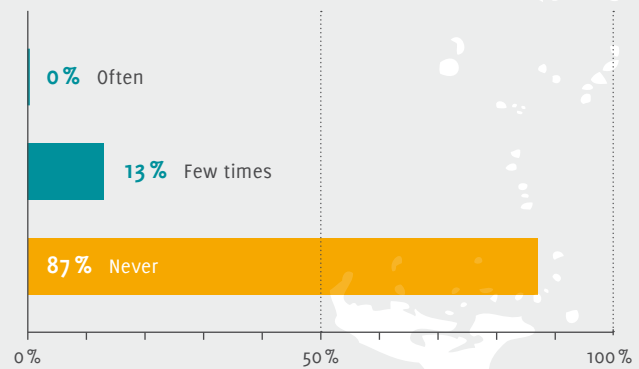


Figure 7 | Sexually harassed or attacked by students at school

hallway'; 'Some of them hated that (being a Leiti)'. At the same time, 98 per cent stated that they had never received special respect because of their identity from other pupils, whereas 2 per cent stated that they had.

Surprisingly, the frequency with which respondents experienced physical attacks and sexual violence from other students was much higher. Four per cent reported that they were often attacked physically by other students because of their identity, 14 per cent reported that they were attacked physically for this reason once or few times and 82 per cent never experienced such forms of violence from students. Thirteen per cent reported that they experienced sexual violence or harassment because of their identity from other students, while 87 per cent reported never having experienced sexual violence. Asked about their experiences, the 13 per cent gave the following examples: '... 'cause they always thought that my mouth is good for sucking'; 'I was in an all-boys' school, and I was always asked by some of the boys to have oral sex or intercourse with them, and if I didn't comply I got hurt'; 'When I used to be a dorm student'; 'In the dormitory, I was forced to do oral sex'; and 'I was forced to have intercourse most of the time by the older boys'. > Figure 6/ Figure 7

The vast majority of the survey participants had neutral experiences in school regarding their Leiti identity. However, the negative experiences, including dire experiences of physical attacks and sexual violence, outnumber the very few positive experiences Leitis had at school.

The TvT research in Tonga thus confirms TLA's experiences with school drop-outs. A current programme conducted by TLA consists of providing scholarships to Leitis who want to achieve academic qualifications in order to obtain a tertiary education. This is in response to the

number of Leitis who have dropped out of school and would therefore not be able to receive tertiary education, and obtain meaningful employment, without support. Anecdotal evidence from Leiti school drop-outs who receive TLA scholarships suggests that many Leitis are bullied in school, which negatively affects their overall wellbeing. A key reason given by the scholarship holders for the high level of drop outs is the stigma and discrimination experienced within the educational system, in particular bullying.

2.4 Earning one's living as a Leiti

Of the 91 participants who answered the question of whether employment was refused to them because of their identity, 94 per cent answered never, 3 per cent answered once or few times and 1 per cent answered often. Another 2 per cent stated that they did not know. > Figure 8

Of these 91 participants, 95 per cent stated that they have never lost a job because of their identity, and five per cent stated that they have often lost a job for this reason. Ninety-eight per cent of these 91 answered that their identity has never affected their treatment at their work place, and only 2 per cent said that it has.

Of the 89 participants who answered the question, 17 per cent reported that they have often received employment support, 13 per cent once or twice, 53 per cent never and 17 per cent explained that such support does not exist. The majority of the 30 per cent who reported that they have received employment support explained that they received it from TLA. The TLA has established a Governing Board – consisting of representatives of the government, NGOs and the business sector, as well as legal advisors – which helps secure jobs for unemployed TLA members, and which runs

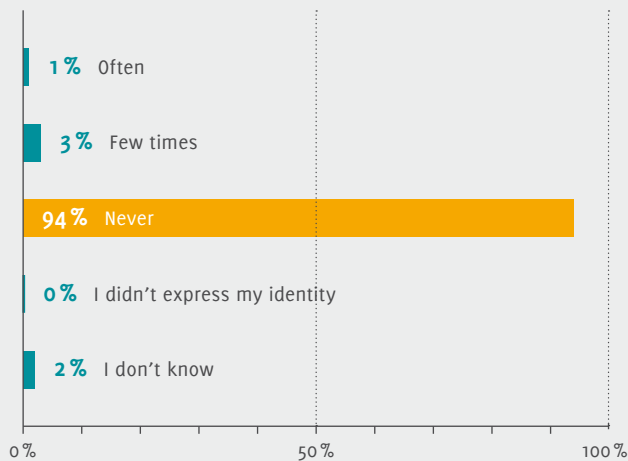


Figure 8 | Has employment been refused to you for to being a Leiti?

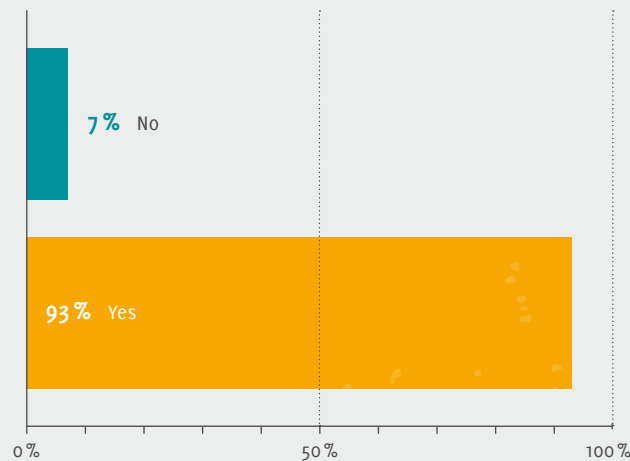


Figure 9 | Is your identity valued within your religious or spiritual community?

an advocacy programme in the rural areas of Tongatapu and in the islands of Vava'u.

All 108 participants answered the question regarding whether they are working in a sector in which Leitis have established themselves. Of these, 78 per cent said no, 21 per cent said yes, 1 per cent answered that such a sector does not exist. Of the 21 per cent who answered yes, the majority stated 'TLA' as the sector, followed by 'hairdresser'. Only one person, or 1 per cent, answered 'sex worker' and gave as the reason '*because I am accepted for who I am in sex work*'.

On the flipside, of the 75 interviewees who answered the question, 16 per cent reported that they have often been employed because of special skills or knowledge related to their identity, 4 per cent reported once or twice, and 79 per cent stated never. In addition, 1 per cent stated that they do not know.

The results show that the vast majority of Leitis in Tonga do not have negative experiences in relation to the labour market, their job or workplace, and that the positive experiences outnumber the negative ones. Here, it is important to note that positive experiences relate mostly to support by the community, i.e. the TLA programmes.

2.5 Leitis in religion

As mentioned above, of the 101 participants who answered the question regarding their religion, 96 per cent stated 'Christian' and 4 per cent stated that they have no religion. Eighty-nine of the 108 survey participants answered the question regarding their experiences with their religion: 81 per cent of these stated that they are always open regarding their identity within their religion, 11 per cent stated sometimes and 7 per cent said that they have never tried to

be open within their religion, while 1 per cent stated that they are not part of a religious community. Ninety-three per cent stated that their identity is valued within their religion, and 7 per cent said it is not.

Ninety-three per cent said that they have never been told that they cannot participate in religious services because of their identity, 5 per cent stated that they are not allowed to participate because of their identity and 3 per cent stated that they are only allowed to participate if they hide their identity. > [Figure 9/10](#)

| His Eminence Lord Cardinal Soane Patita Paini Mafi addressing World AIDS Day 2013, hosted by the Tongan Ministry of Health and TLA



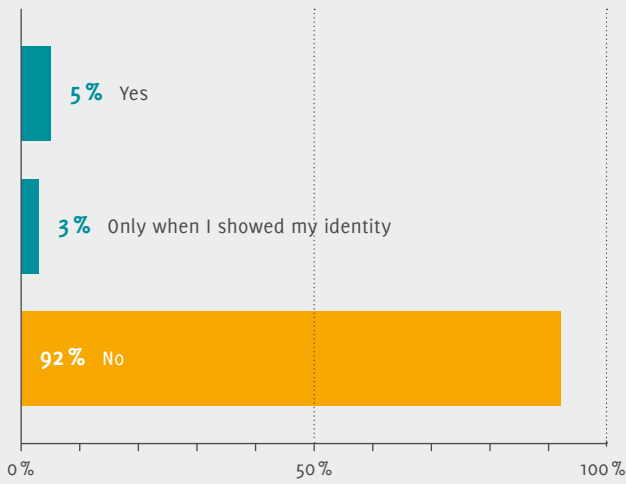


Figure 10 | Due to my identity, I was excluded from religious services

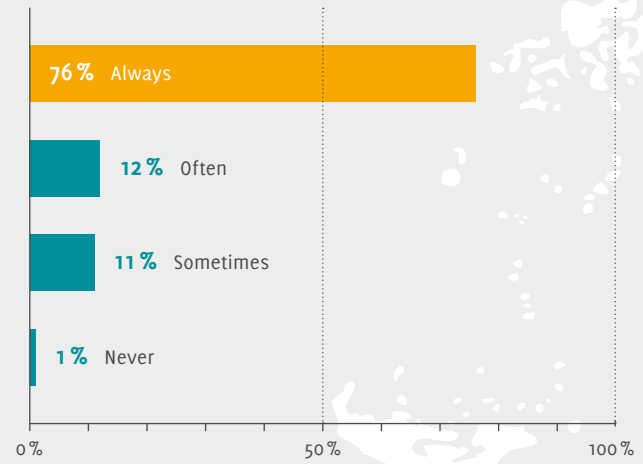


Figure 11 | Do you think Leitis are appreciated in Tongan society?

Summing up, 93 per cent declared that their identity does not affect the way they are treated within their religion, whereas 7 per cent stated that it does.

This means that the vast majority of Leitis in Tonga have neutral or positive experiences within their religious community, and only few are excluded and/or have negative experiences. The research results thus confirm the impressions at the Miss Galaxy week in December 2014, in which religious and political leaders celebrated the importance of the Leiti community, as mentioned at the beginning of this chapter. As the picture below demonstrates, one year earlier, the then-Bishop of Tonga, Soane Patita Paini Mafi, who was appointed Cardinal (Cardinal-Priest of Santa Paola Romana) by Pope Francis in February 2015, spoke in favour of TLA at the World AIDS Day in 2013. Again, it is noteworthy that this situation has resulted from 20 years of successful advocacy by TLA.

2.6 Being a Leiti in Tongan mainstream society

All 108 survey participants answered the questions regarding their experiences in the broader society, and their answers confirm the overall trend.

Ninety-nine per cent of all participants think that Leitis are appreciated as Leitis in Tongan society, while only 1 per cent do not. Of these 99 per cent, 76 per cent think that Leitis are always appreciated, 12 per cent think they are often appreciated and 11 per cent think they are sometimes appreciated.

On the flipside, 78 per cent think that Leitis are never discriminated against in society for being Leitis, 17 per cent think they are sometimes discriminated against, 4 per cent think they are often discriminated against and 1 per cent think they are always discriminated against.

However, when it comes to experiencing violence, 84 per cent reported that they never have been bullied or attacked because of their identity in the broader society, but 16 per cent have. > [Figure 11](#) / [Figure 12](#)

2.7 Leitis and the health system

Of the 107 participants who answered the question, 100 per cent stated that their identity has never affected how they have been treated when receiving public health-care services. However, of 108 participants 99 per cent reported that they have never visited a counsellor, doctor, hormone specialist or other professional about transition and trans-related health-care. Only 1 per cent have done so, but only once or few times. > [Figure 13](#)

Among those who have never visited a specialist, 95 per cent stated both 'cannot afford' and 'services not available', 25 per cent stated 'not needed/wanted' and 1 per cent stated 'don't know how to get' and 'other reasons'. Thus, the lack of trans-related health-care poses a great challenge for Leitis in Tonga.

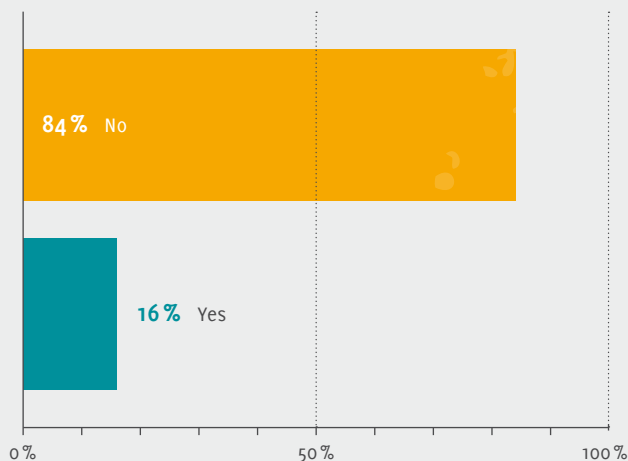


Figure 12 | Have you been bullied, attacked or abused because of your identity?

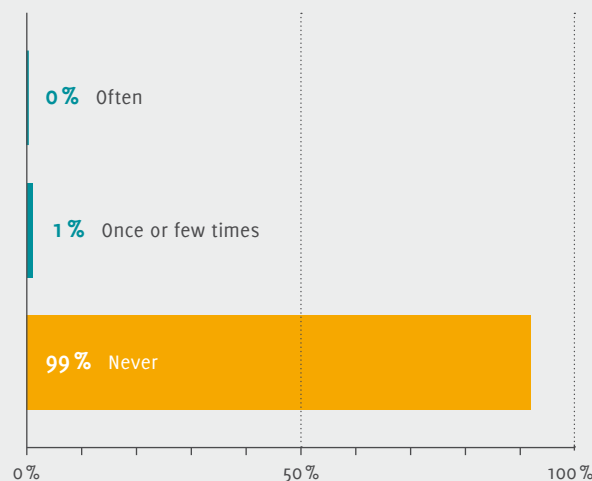


Figure 13 | Have you visited a counsellor, doctor, hormone specialist, surgeon or other health professional about transition/trans-related health-care?

| Experiences of violence

The experiences of violence contradict the general level of Transrespect in Tongan society. Six participants reported that they have been insulted or threatened with violence, five have experienced physical aggression, four have experienced sexual violence and one has been blackmailed.

Some of the respondents gave the following examples. One stated that she was brutally raped in a park when she was still in school. Another reported having been raped ten years earlier, which rape was prosecuted and led her to engage in social activism for Leitis to prevent what happened to her from happening to others. One reported that she was raped by eight boys in a hut and had to leave school because of the rumours. Another stated that she was abused and attacked from behind by three boys, but was saved by other boys, who beat the perpetrators.

Others reported that they were hit with a bottle, attacked by drunken men or 'would prefer to not talk about' what happened.

Five of those who were sexually assaulted complained, and three considered the investigation and outcome of the complaint, as well as the support they received, very good.

Of the eleven participants who answered the question regarding whether they ever thought of committing suicide as a result of negative experiences related to their identity, 73 per cent stated never and 23 per cent stated once or few times.

II.3 Conclusion

The TvT research in Tonga is a milestone for TLA and the Tongan Leiti community insofar as it has enabled TLA to discover the views and experiences of Tongan Leitis and enabled the survey participants to share their stories freely in a safe and anonymous environment. The latter must be seen in the context of the cultural taboo of not speaking about negative experiences within families and in childhood. In 2012, Joleen Mataele explained in the first TvT research report: 'Because of our culture and taboo, there is a lot of silence. Nobody would be able to report any abuse or anything that's done to a leiti because, you know, that family would think that they have rumours about it'.¹⁸

Thus, the comparatively high degree of experiences of Transrespect in many areas is contradicted by astonishingly horrible reports of experienced violence, which is usually not spoken about in Tongan society. Here, the number of experiences of sexual violence in school and family during childhood, as well as in prison and within the broader mainstream society, is extremely worrisome.

The comparatively high levels of Transrespect for which Tonga is notable among the six countries that have participated in this survey are further clouded by the legal and health-care situation of Leitis. As shown, the lack of legal gender-recognition legislation contradicts the reality of Leitis and results in a striking gap between living in one's preferred gender and having one's preferred gender recognised in one's legal documents. This lack of legal recognition contributes to social invisibility and a lack of influence on the policymakers and officials responsible for resource allocation and service delivery. Legal gender

recognition therefore represents one of the keys to equality for Leitis in Tonga. At the same time, the Tongan penal code criminalises not only homosexuality as 'sodomy', but also so-called 'cross-dressing' under certain circumstances. Although neither of these laws has been enforced in recent decades, they pose a challenge and have to be removed or reworded. Criminalisation perpetuates discriminatory and outmoded beliefs, for instance among some health professionals, who consider the Leiti identity a disease or disorder. These legal barriers, stigma and discrimination make Leitis more vulnerable and have to be overcome. As well, trans-related health-care and Leiti-awareness training among health-care practitioners is needed in Tonga.

Despite these needs, TLA has little to no funding from governments or donors in the region for its various projects. This funding is needed to continue its successful awareness raising and its fight for Leitis' rights, wellbeing and sexual health. Resources are urgently needed to fund this work. And this requires leadership from governments, donors and institutions in Tonga.

In conclusion, even though attitudes towards the Leiti community have changed in the 21st century, Leitis still face different forms of violence, including sexual violence. The advocacy and awareness programmes that TLA has been running for the past 21 years have broken down many of the barriers that Leitis faced in the recent past. The TVT research in Tonga will enable TLA and its activists to reach out to Tongan communities and political leaders to support TLA's future plans. The research results will be used to educate and break down more of the barriers that the Leiti community continues to face.

This little kingdom is far too small for haters and discrimination. Leitis need support, love and care.

| Miss Galaxy 2014 at the Miss Galaxy Aftershow Party in a resort in Nuku'alofa (Tonga), December 2014





III. The Social Experiences of Trans People in the Philippines

C. Joy Cruz, Charlese Saballe and Brenda Alegre

III.1 The *transpin@ys* | Historical, Socio-cultural and Legal Contexts

In the Philippines, the Society of Transsexual Women of the Philippines (STRAP) carried out *The Social Experiences of Trans and Gender-diverse People* as part of TGEU's Transrespect versus Transphobia Worldwide (Tvt) project. A total of twelve *transpinays*, all members of STRAP, were involved in the various stages of this project.

There are not a lot of studies on trans people and trans-specific issues in the Philippines, and most published work on the subject has been done by non-Filipinos and/or non-trans people. Having Filipino trans groups undertake this research – from survey design through data collection to analysis of results – has been an important way of empowering trans people in the Philippines. The experience will help Filipino trans activists embark on more peer-research projects in the future, thus ensuring that data is made available in a way that is most useful to the local trans community.

Due to geographical constraints and the high costs involved in travelling throughout the entire archipelago, interviews were concentrated in the greater metropolitan area of Manila. The first batch was done in Quezon City, the

second in Caloocan City, the third in Navotas City and the last in Antipolo City. Respondents were briefed about the questionnaire and self-administered interviews were facilitated.

Before discussing the findings of the Tvt survey, we will provide some context regarding trans identities and movements in the Philippines. Spanish colonialism, which imposed Catholicism, forms part of this context.

Pre-colonial and colonial identities

The Philippines is an ethnically diverse country with a rich history that has long been marked by international influence. Given the more than 300 years of Spanish colonial rule, the most predominant religion is Christianity, and in particular Catholicism, with about 80 per cent of the population identifying as Catholic.

Gender identities and practices are diverse, and from the few existing historical accounts we have been able to trace gender pluralism as well as the transgression of binaries in the pre-colonial and colonial eras.¹⁹ Due to the many islands in the Philippines, various regions had their own words to describe people who are gender variant. One word was *babaylan*, which originally denoted women with leadership roles who were akin to shamans, spiritual

healers who mediated between the gods and the people, but which was also used to describe ‘gender crossing’ or feminine men.²⁰ Gender-variant people in Luzon, in the northern Philippines, were known as *bayoc* or *bayogin*. *Labia* were gender-transgressing men in Zamboanga, in the southern Philippines, who were thought to be hermits.²¹ The *asog* were shamans from the Visayan Islands who thought themselves to be feminine as well as masculine.²² The *mentefuwaley libun* (one-who-became-woman) and *mentefuwaley lagey* (one-who-became man) were trans identities among the Teduray in Mindanao, southern Philippines.²³ Interestingly, all these groups were venerated and highly respected.²⁴

Today, a vibrant segment of the population in the country identifies as *bakla* – people who were assigned a male gender at birth but who do not conform to heteronormative expectations regarding gender and sexual roles. The word itself is a challenge because it denotes not only sexual orientation, but also sexual identity, gender identities and gender expressions.²⁵ The term most likely emerged in the post-war era.²⁶

The *transpin@y* Rising | The trans movement in the Philippines

The spread of gender-rights activism started with groups like Kakasarian in the 70s and the University of the Philippines’ Babaylan and Pro-Gay Philippines in the early 90s. The flourishing of LGBT activism in the Philippines during this period started to break down the conflation of the different *bakla* identities, and Philippine society was slowly introduced to the issues of gender identity and transgenderism. In 2002, the *Society of Transsexual Women of the Philippines (STRAP)*, the first support and rights advocacy group for and by trans women in the Philippines, was founded.

The Philippines did not have any modern local term to describe the trans experience until STRAP introduced *transpinay* in 2008.²⁷ *Transpinay* was coined from the words ‘trans’, for transgender / transsexual, and *pinay*, a local term for *Filipina* (a woman from the Philippines). For this report, *transpin@y* is used to mean a trans and/or other gender non-conforming person of Philippine descent. *Transpinay* is a Filipina trans woman, whereas *transpinoy* is a Filipino trans man. *Transpin@y*, *transpinay* and *transpinoy* are the most suitable terms to use from this point forward to refer to trans identities in the Philippines.

There are now several active trans groups in the Philippines. *Transpinoy*s have also become very visible over the last few years with the founding of two female-to-male (FTM) trans groups, Pinoy FTM and TransMan Pilipinas.



Members of STRAP wearing traditional Filipiniana gowns at the launch of *transpinay* – The Other Filipina Woman

The accessibility of the Internet over the past decade introduced *transpin@ys* to online information on transitioning. Although gender transitioning is not a crime in the Philippines, it is fraught with danger because there is no trans health-care standard to ensure proper transitioning procedures.

There are also new movements and research platforms separating issues regarding MSM (men who have sex with men) from trans issues. As of this writing, an amendment to include trans rights in the Philippines’ Anti-Discrimination Bill is being discussed. Anti-discrimination ordinances have now been approved in Angeles City, Bacolod City, Candon City, Cebu City, Dagupan City, Davao City, Quezon City and the Provinces of Agusan del Norte and Cavite. Since 2009, gay men are officially allowed to serve in the military, although the same is not true for trans women. The Anti-Bullying Law for elementary and secondary schools was passed in 2013, and its Implementing Rules and Regulations explicitly prohibit bullying on the basis of sexual orientation and gender identity.

Although it is not illegal to be *transpin@y*, the Philippines does not have a gender-recognition law, and people are not able to change their name and gender marker in legal documents even after undergoing gender-confirming surgery. There are also still no laws allowing for same-sex couples to marry, adopt children or enter into custodial-property agreements. The Mely Silverio²⁸ case is the last known case to reject any revisions to trans persons’ identity markers.

III.2 A portrait of the *transpin@y* | Results of the survey

Data were collected from 104 *transpin@ys*, the great majority of whom identify as male-to-female (MTF) transgender or transsexuals (79%), while 13 per cent identify as FTM. The remaining individuals identify with other terms, including cross-dresser, third gender or multi-gendered.

Profile of the participants

The mean age of the respondents at the time of the survey was 27.5 years, with the youngest 17 years old and the oldest 49. The participants were heavily concentrated in Metropolitan Manila or the National Capital Region (81%), while the rest were from the neighbouring Region IV-A or Calabarzon (19%). Nearly one-fifth of the respondents (16%) were migrants from various parts of the Philippines, including as far away as Jolo, Sulu, in the south of the country. Better work and educational opportunities were reported as the major reasons for migration.

Of the 103 who answered the question about their religion, an overwhelming majority are Christian (91%). Ninety per cent of the 104 participants have obtained at least a high-school education. Nearly three in five

| *Transpinays* campaign for Gender Recognition and Equality at the QC Pride 2014

respondents (55%) are gainfully employed in various sectors, from those, like fashion, beauty and entertainment, in which *transpin@ys*' have traditionally found greater acceptance, to more newly accepting ones such as Business Process Outsourcing (BPOs), academia and banking, and some are involved in the sex industry. Nearly three of every seven respondents (28%) draw financial support from their family through their parents or siblings. Very few get help from friends (8%), from government welfare (4%) or from other sources (2%).

Among the 100 participants who answered questions about their living arrangements, 57 per cent live with their parents or siblings, 11 per cent live alone, 14 per cent live with friends, 13 per cent live with a partner or their children and 2 per cent live with others who have a similar identity. When asked if they are active members of organisations working for trans people, 69 per cent of the 98 who responded said they are.

Living in their preferred gender

Participants were asked if they live in their preferred gender, and 85 per cent of the 102 who responded said they always do so. The 14 respondents who gave other answers were asked why. Eleven said that it was their personal choice to not always live in their preferred gender. Other reasons mentioned were lack of acceptance and the inability to be legally recognised in one's preferred gender.

Social connections | Family, friends and partners

Of the 96 participants who responded to the question of how they were raised, about an equal proportion said they were (46%) and were not (47%) raised in the gender they currently identify with.

Among the 89 participants who answered the question regarding whether they are able to be open about their gender identity with their family, 88 per cent reported in the affirmative, while 10 per cent said that they are but with some conditions, only sometimes or only with selected family members.

Close to one in four respondents (23%) who are able to be open about their gender identity with their family have expressed this identity with them for as long as they can remember. Over three-quarters started to express their identity with their family at 11.5 years of age, on average. The respondents began expressing their gender identity with their family when they were as young as four and as old as 30.



Two respondents reported often being bullied by family members, while five respondents have been bullied once or a few times. Verbal abuse (passive-aggressive remarks, negative comments), teasing, aloofness and expressing annoyance are examples of bullying experienced by *transpin@ys* from their families because of their gender identity.

Eighty-eight per cent of the 97 participants reported that they receive support from their families in relation to their gender identity. Family support may vary; it can be in the form of verbal expressions of love, moral support, acknowledgement of their gender identity, buying of clothes and make-up and financial support. Mothers were mentioned a few times by respondents to have shown support and love. Most *transpin@ys* reported being accepted and appreciated by their family members because they provide financial support to the family.

Friends seem to be an important social support among *transpin@ys*. More than nine out of ten participants (92%) stated that they are always open about their gender identity and expression with all their non-trans friends. There are salient differences, however, in the frequency with which participants reported being appreciated by non-trans friends: a great majority mentioned that they are always appreciated (63%) and a substantial proportion that they are often (15%) or sometimes (20%) appreciated, while very few stated that they are never appreciated (2%). It is worth noting that appreciation by non-trans friends is expressed partly in the form of comments that the respondents are natural and beautiful.

Respondents also reported being disrespected by non-trans friends. Of the 96 participants who answered, 4 per cent reported that they are always or often disrespected, the majority (56%) that they are sometimes or rarely disrespected and 35 per cent that they are never disrespected. The reported examples of disrespect include not having their gender identity recognised (non-acceptance, not using their preferred name and correct pronoun), being laughed at, being asked rude questions and being bullied. Not surprisingly, with the Philippines being a predominantly Christian country, some respondents experienced disrespect from non-trans Christian friends, who cited Bible verses to criticise the respondents' being and identity.

A great majority (90% of the 94 who answered the question) said they are very open about their gender identity and expression with their lovers. Eighty-five per cent of the 92 who responded said they have lovers who appreciate their gender identity. Expression of love, acceptance, respect and moral/emotional/psychological support were

mentioned as examples of how the respondents' lovers express their appreciation of their identity. Some of the responses were within the context of a live-in arrangement. Some participants also reported disrespectful behaviour from their lovers (20%), including asking very personal and inappropriate questions, arguing heatedly, misunderstanding and using incorrect pronouns.

Education | School-related experiences

Close to three out of every ten respondents (13% often and 16% once or a few times) reported difficulties due to their gender identity when changing schools or classes. These difficulties included non-acceptance of their gender identity and the curtailment of their expression of their gender identity because of conservative Christian school policies like requiring pupils to wear gendered uniforms.

The difficulties in the school setting reported by the respondents included many forms of discrimination, bullying, harassment and violence from their teachers and schoolmates. Figure 1 shows that a quarter of the participants reported having experienced situations in school where their achievements were not valued as highly as those of others because of their gender identity. Because of their gender identity, the participants said that they had been expected to work harder to prove their worthiness of acceptance, both at school and in society at large. The disrespect experienced by the respondents from non-trans friends was compounded by the disrespect (reported by 24 of 100 respondents) and physical violence (experienced by 12 of 93 respondents) from their teachers, and it too came in various forms, including non-acceptance of the respondents' gender identity and being asked rude questions. They also reported having been taunted, teased and punished by their teachers, with one respondent stating that she had been asked by the teacher to stand before the class for the entire period and several being called a sinner by their teachers. Of the 101 participants who answered the question on bullying at school, 72 per cent experienced being bullied. The gender identity of many respondents was the target of school bullies. Some respondents reported physical abuse, including being kicked, and others who were stronger would get into fights because of their gender identity. Of the 98 participants who answered, more than a third (35%) experienced sexual harassment at school. The sexual advances of schoolmates reported by some *transpinay* respondents include male schoolmates showing them their penises, being touched inappropriately and being forced to touch male schoolmates' genitals. One respondent reported being raped in the school bathroom by a male schoolmate.

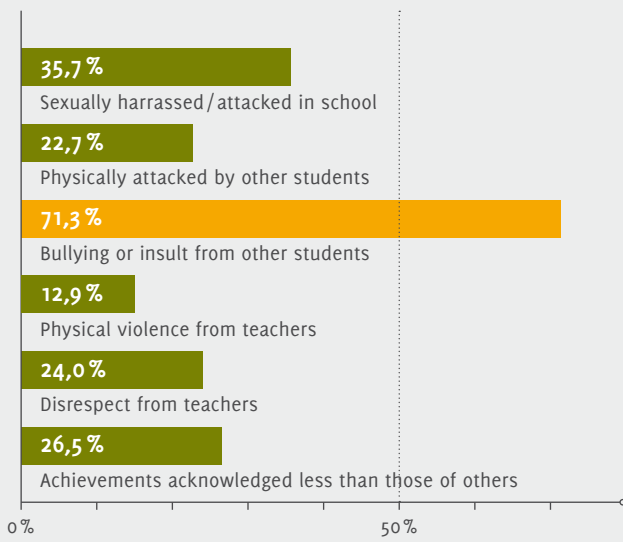


Figure 1 | Experiences of discrimination, bullying, harassment and violence at school by teachers and other students

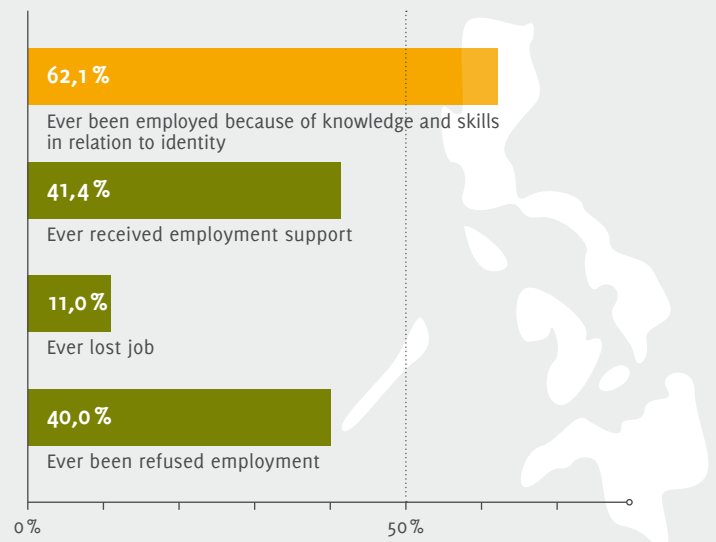


Figure 2 | Employment experiences

The good news is that many respondents also had positive experiences at school. More than three-fifths of participants reported having experienced some form of respect in school (63%), from their teachers (64%) and from their schoolmates (63%). These positive experiences came in the form of being asked to participate in various school activities, having their creative skills tapped, being complimented on their looks and so on.

Employment | Earning your keep

Participants were asked about their negative employment experiences. Figure 2 shows that close to two-fifths of respondents (39% of the 100 who answered) reported having been refused employment because of their gender identity, while one-tenth of the 91 who answered have lost at least one job because of their gender identity. These respondents stated that potential employers do not recognise their gender identity, and that they can be hired only if they conform to established gender conventions. Some *transpinays* reported that only those born female can fill other job vacancies. Fourteen respondents successfully challenged the decision to refuse them employment because of their gender identity, while 45 just kept silent about it.

Participants were also asked about their good experiences while looking for work and on the job. Sixty-two per cent of the 95 who responded said they have obtained employment because of their specific skills and knowledge, which are related to their gender identity (see Figure 2). Companies in traditionally trans-friendly sectors such as fashion and beauty hire trans people because they often possess gender-identity-based skills like make-up/hair and design skills. Meanwhile, companies (mainly multi-

nationals in the BPO sector) with diversity policies hired respondents with good communication skills. When asked about employment support, close to two-fifths of respondents (41% of the 99 who answered) stated that they receive employment support, including having their gender recognised, being able to participate in training opportunities and being involved in their company's diversity programme. > [Figure 2](#)

About 57 per cent of the 86 who answered the question regarding where they work work in a sector in which trans people have established themselves. In the Philippines, these sectors include entertainment, beauty, fashion, retail/trade, BPOs and sex work. Thirty-eight participants have done sex work; 35 of these are *transpinays* and two are *transpinoyos*. Those who earn their living by doing sex work were asked why they do it: 26 cited a lack of other opportunities, some feel accepted in this kind of work (12 respondents) and others prefer this kind of work over other kinds of work (five respondents). A lack of education and needing to help their families financially were the other reasons mentioned.

Forty-one per cent of the 93 who responded said that their gender identity affects how they are treated at work or while applying for a job. Most of the time, human-resource managers do not know how to treat trans people, so there is a need to educate them regarding trans issues.

Only one in ten of those gainfully employed work in a setting with specific facilities for trans people.

Of the 81 who rated their overall work experience, about one in three (28%) said it was somewhat bad to very bad, 20 per cent were neutral and the majority (52%) rated it as somewhat good to very good.

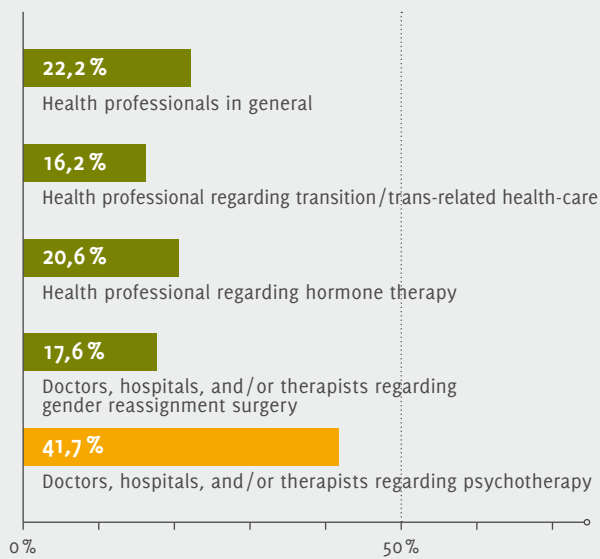


Figure 3 | Respondents' 'somewhat bad', 'bad' and 'very bad' experiences related to health-care and health-care professionals

Wellbeing | Health-care experiences

More than one-third of the 99 who answered stated that their gender identity affects how they are treated when they access public health-care services. Actually, of the 28 *transpin@ys* who have tried, about half (46 %) said that they have been refused access to public health-care for various reasons, including health professionals' belief that trans people get sick because of hormone overdoses, embarrassment at seeing a trans body and lack of knowledge regarding how to handle trans cases.

The participants who accessed health-care services were asked to rate their experiences of trans-related care. Figure 3 shows the proportion of respondents who rated their experience of health-care services as somewhat bad to very bad. Only one of the seven respondents who have undergone gender-reassignment therapy rated the experience as bad, while two of the 28 respondents who visited a doctor or hospital to consult on medically unsupervised body modifications rated it as bad. > *Figure 3*

Regarding health-seeking behaviour, a great majority of the participants (66 % of the 99 who responded) reported never having consulted a health professional regarding transition or trans-related health-care. Alarming, 28 per cent of those respondents who have never consulted a health professional do not see any need to do so. Others reported financial difficulties (31 %) as their reason for not having trans-related health-care consultation, while others said that they do not know how to obtain such services (29 %).

Brush with the law | The legal and criminal justice systems

Six participants mentioned that they have tried to change their gender marker on their legal identification documents, while five have tried to have their name changed on these documents. They all found the experience difficult and expensive, and they were all ultimately unsuccessful.

Five respondents have often experienced police harassment because of their gender identity, while 13 have experienced it once or twice. The police use anti-vagrancy laws to harass the respondents. Extortion was another harassment method mentioned. The respondents report sometimes being charged with an offence for no reason, and the police will only drop the charges in exchange for sexual favours. Of those who have experienced police harassment, 45 per cent are engaged in sex work.

Three respondents said they have often been in prison, while five said they have been in prison once or twice. One respondent mentioned being hit by another inmate. Another was sexually assaulted by a prison staff member, while two others were sexually assaulted by other inmates. On a lighter note, five respondents said the other inmates respected them.

Religion, society and culture

While 6 per cent of the participants said that they are not part of a religious or spiritual community, 17 per cent of those who answered the question regarding whether they are open about their identity with their religious or spiritual community said they are not because they fear violent reactions and negative comments. About five out of every nine respondents (54 % of the 82 who answered) thought their gender identity is not valued within their religious community, and in particular that being trans is considered a sin by their religious community.

Nine respondents are not allowed to participate in religious activities because of their gender identity, while five are permitted if they hide their gender identity. One *transpinoy* respondent was told that he could only continue to teach in Sunday school if he stopped expressing his gender identity (i. e. stop dressing up as male). More than two-fifths of the respondents (41 % of the 80 who responded) believe that their gender identity affects how they were received or treated in church. Of the 61 who rated their experiences within their religious community, 21 per cent rated them as somewhat bad to very bad.

While four-fifths of respondents (81 % of the 98 who responded) thought that they are especially appreciated in

society because of their gender identity, about the same proportion (80% of the 97 who responded) thought that trans people are discriminated against because of their gender identity. Twenty-eight respondents said they have been bullied, attacked or abused in their communities because of their gender identity. The most common types of bullying, attack or abuse are insults and threats of violence (31%, or all 28 respondents reporting such incidents), sexual violence (18%) and physical aggression (16%). Thirteen respondents who have experienced bullying said they have complained to Barangay officials, the police, family and friends.²⁹

As for suicide ideation, one participant has often thought of committing suicide because of their gender identity, while seven said they have thought of committing suicide once or a few times for the same reason.

Lastly, about one-fifth of the respondents (19% of the 100 who answered) thought that their local communities do not especially appreciate trans people. A great majority (62% of the 97 who responded) thought that trans people are discriminated against in the local community, while fewer (14% of the 91 who answered) reported experiences of physical violence in the local community.

The research regarding respondents' local communities focused on quality of life. The purpose was to raise the respondents' consciousness about their overall quality of life and give them the space to express the changes they think are needed. Eighty participants answered the question, the majority of whom (76%) rated their quality of life positively, while 23 per cent rated it as neutral. Figure 4 shows that nearly two-fifths rated their life quality as good and more than three in ten as very good. > *Figure 4*

The respondents were asked about changes they thought would improve their overall quality of life right now. Some of the responses are as follows.

- '(Family) should be more open to the idea that gender should not be based on genitalia'.
- 'Employers should have a code/guidelines for (potential) trans employees'.
- 'Legislation should be created to protect and promote trans rights'.
- 'Schools should show sensitivity and respect'.
- 'There should be easier access to health-care for trans people'.
- 'Loving your neighbour should be practiced without judgment'.

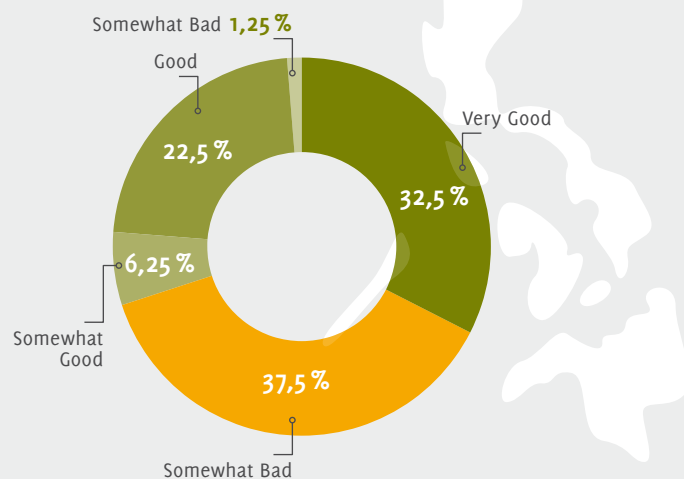


Figure 4 | Quality of life rating

- 'Lessen/eliminate those things/practices that discriminate against and exclude people. And promote instead more accepting and accommodating values'.
- '(Society) should be educated about diversity and its acceptance even when specific manifestations of diversity go against some people's beliefs'.

I At a TDOR event organised by the Society of Transsexual Women of the Philippines



III.3 Moving forward | Empowering *transpin@ys*

The results of the research project highlight the following areas of interest.

- Although a great majority of the respondents said that they always live in their preferred gender and began expressing their gender identity at a young age, *transpin@ys* lack the ability to be legally recognised in their preferred gender.
- Bullying and disrespectful behaviour towards *transpin@ys* can be experienced at home, in school and in the community.
- Some respondents have reported being refused employment or having lost their job because they are trans. Only very few of those employed have workplace facilities that are respectful of their gender identity.
- The majority of participants have never consulted a health-care professional regarding transitioning or trans-related health-care. The main reasons given are financial difficulties, the lack of information on how to obtain these services and the lack of need for these services.
- All the respondents who tried to change their name and gender markers in their legal documents said they found the experience difficult and expensive.
- Some of the respondents have experienced police harassment because of their gender identity. Three of the eight who have been in prison or detention experienced sexual violence there.

In order to empower *transpin@ys* and improve their socio-cultural experiences, the following actions are recommended:

For the Congress of the Philippines to enact legislation recognising the self-defined gender of *transpinays* and *transpinoyos*, without the need to undergo medical intervention such as psychological diagnoses, hormone treatment or surgery. This also means amending Republic Act 9048, which regards the ability to change one's name in the civil registry, to make it possible to change one's registered sex.

For the Congress of the Philippines to pass an anti-discrimination law penalising discriminatory practices, behaviour and policies based on sexual orientation and gender identities and expressions. This should include establishing employment- and workplace-related policies to protect trans and other gender non-conforming people.

For the government to develop trans-specific health-care policies to promote the health and overall wellbeing of *transpin@ys*. This includes creating separate HIV and AIDS programmes and initiatives for MSM and trans people.

For government agencies (including law enforcement) to implement and enforce policies regarding sexual orientation and gender identity and expression (SOGIE), and for SOGIE concepts to be added in their gender-sensitivity training.

To ensure that the Implementing Rules and Regulations of the Anti-Bullying Law are implemented effectively, and that prevention and intervention programmes to address bullying include comprehensive SOGIE policies and procedures.

More research on trans people and issues should be conducted, and *transpin@ys* should be involved in these undertakings to ensure that the data collected are relevant to the local trans community and are useful in advocacy work and in pushing for policy/legislative changes that would be beneficial to the community.



IV. The Social Experiences of Trans People in Thailand

Rena Janamnuysook, Jetsada Taesombat and Kath Khangpiboon

IV.1 Introduction | Discrimination against and human-rights violations of trans people in Thailand

In Thailand, the trans-led advocacy group Thai Transgender Alliance (Thai TGA) carried out the study on *The Social Experiences of Trans and Gender-diverse People* as part of the Transrespect versus Transphobia Worldwide (TvT) project in partnership with Transgender Europe (TGEU). The study was conducted in 2014 and included 202 trans participants from all regions of Thailand. A total of 30 Thai trans activists and trans advocates were involved in the various stages of this project. There is inadequate data about trans people in Thailand, and this research contributes strategic information for trans advocacy in the country. In the process of conducting this research, the researchers involved in this project have strengthened their research skills.

The TvT research shows that Thailand is not the paradise for trans people that it is often assumed to be

Thai trans people face discrimination and rights violation at all levels – in their families, in education, in health-care

and in state institutions. These violations affect the quality of life of trans people economically, socially and culturally, and trans people tend to have lower access education than the general population. The school curriculum is not suitable for and biased against trans people. Rules and regulations in educational institutions lack gender sensitivity; for example, school policies require sex-specific uniforms and graduation gowns to be worn, and they forbid ‘cross-dressing’. Moreover, the current Thai sex-education textbook defines trans people as ‘sexually deviant’ or ‘mentally abnormal’.³⁰ Such portrayals cultivate misconceptions that form the basis of prejudice against trans people in Thailand.

In addition, Buddhism, the predominant religion in Thailand, has had a negative influence on people’s views of trans people. The Pali Canon, the standard collection of scriptures in the Theravadan Buddhist tradition, states that trans people are not allowed to serve in the monkhood.³¹

In their careers, trans people are denied access to employment and career-advancement opportunities. Their job applications are often rejected because application photographs do not match the gender title indicated in the application. Conscription documents issued by the Thai military refer to trans draftees with terms such as ‘psychotic’ and ‘insane’, which fosters the misconception



I Thai trans peer researchers were trained to conduct the national survey on *The Social Experiences of Trans and Gender-diverse People in Thailand*

that the draftees are violent and cannot control their behaviour, and are therefore unable to work with other people.

At the same time, there is a stereotype in Thailand that trans women can work in particular occupations (as cabaret dancers, make-up artists, models, beauty queens or entertainers). Trans people who are denied access to mainstream jobs but are also unable to enter these kinds of occupations often end up in sex work, which lacks legal protection and welfare provisions. Many of these issues have already been noted by the Office of the National Human Rights Commission of Thailand³² including stigmatisation and discrimination in general and regulations in educational institutions banning what they consider to be cross-dressing (especially during exams or graduation ceremonies) and the informal custom of rejecting applicants of diverse sexualities in certain educational fields.

Research by the Foundation of SOGI Rights and Justice found that 38 per cent of trans people have faced structural and cultural violence, especially in families, somewhat less in educational institutions, and least in employment. The most commonly experienced form of violence is verbal violence, including insults and sarcasm targeting the gender identity of the victim, followed by physical violence and sexual violence and harassment.³³

There is no gender-recognition legislation in Thailand, as a result of which trans people's gender and gender title are indicated on their documents according to their birth sex. Name changes are permitted by government and

administrative officers on a case-by-case basis. Currently, changes in gender title are permitted only for intersex people under the order of the Department of Provincial Administration, Ministry of Interior.

However, two recent legal developments in Thailand affect transgender people. The first is the current draft of the new constitution, whose Article 34 states that *'people are equal before the law and enjoy equal legal protection. Men and women have equal rights and liberties. Unfair discrimination on the basis of birthplace, ethnicity, language, sex [phet], gender [phet-saphap], age, disability or a physical condition, health, status of the person, economic or social status, religious beliefs, education and political beliefs that are not in contradiction with the provisions of the constitution are forbidden. Measures taken by the state to eliminate obstacles or facilitate the realization of a person's rights and liberties on an equal standing with other persons do not constitute unfair discrimination as specified in paragraph 3'*.³⁴ The second is the Gender Equality Act, B.E. 2558, whose Article 3 specifies that *'Unfair discrimination between the sexes means an action or absence of action that is divisive, obstructive, or limits access to any benefits, directly or indirectly, without a legitimate reason, on the basis that the person in question is a man or a woman, or has expressions that differ from their birth'*.³⁵ Both laws reflect the awareness of gender equity. What needs to be monitored after both laws come into force is the extent to which they are implemented in a way that actually upholds the human rights of trans people.

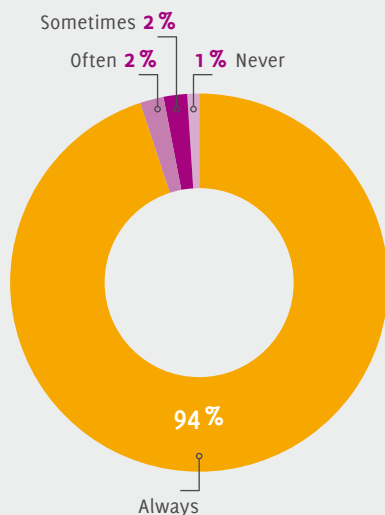


Figure 1 | Live in preferred gender

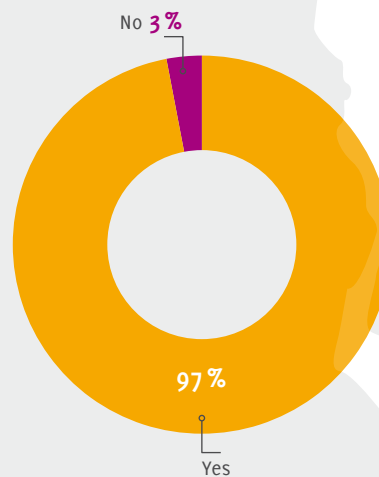


Figure 2 | Legal recognition of gender in documents

IV. 2 The current situation of trans people in Thailand

2.1 Overview

For this research project, we collected the responses of 202 self-defined trans people to our questionnaire. Ninety-seven per cent of the survey participants were born in Thailand, while three per cent are immigrants from neighbouring countries, such as Myanmar and Laos, who reside and work in Thailand. The average age of the participants was 25.5 at the time of the survey. Ninety-five per cent are Buddhist, 2 per cent are Muslim and 1 per cent are Christian.

Regarding the gender identity of the survey participants, 88 per cent self-define as trans women, 1 per cent as trans men, and 8 per cent as having other gender identities. Among those who self-define as other, 72 per cent self-define as the third gender. This finding reflects the fact that Thai society still regards gender in terms of mainstream male and female gender norms. Gender identities other than male and female are thus regarded as a new gender and are collectively called the third gender.

> Figure 1

Ninety-five per cent of all respondents stated that they always live in their preferred gender. Another 2 per cent often and another 2 per cent sometimes live in their preferred gender. Only 1 per cent, or two respondents, stated that they never live in their preferred gender. This finding reflects the fact that trans people who express their gender identity through so-called cross-dressing in Thailand are self-confident and outspoken about their identity. > Figure 2

However, 97 per cent of the respondents do not possess legal identification documents that reflect their self-defined gender. Eighty-four per cent have been unable to obtain legal documents, such as passports, birth certificates or identification cards, that reflect their self-defined gender.

2.2 Trans life in the context of family, friends and partners

Seventy-seven per cent of the respondents were raised in their preferred identity. Of the 79 respondents who answered the question, 75 per cent are open about their gender identity with their family at all times. Of the 60 respondents who answered the question, 60 per cent began being open about their gender identity in childhood. On average, trans people started expressing their gender identity when they were approximately 8.5 years old.

Regarding their relationship with their family, 94 per cent of respondents have not experienced harassment, abuse or domestic violence from family members. However, 4 per cent reported that they have faced harassment, while 2 per cent have faced both harassment and physical abuse. Forty-one per cent of respondents said they feel that their families accept and support their gender identity. Examples of support include family members buying clothes according to their gender identity, behaving towards them in a way that reflects their gender identity and providing financial support for plastic surgery, sex-reassignment surgery and so on. These findings demonstrate that trans people's family members tend to accept and support their gender identity rather than forbid them from revealing or force them to change them.

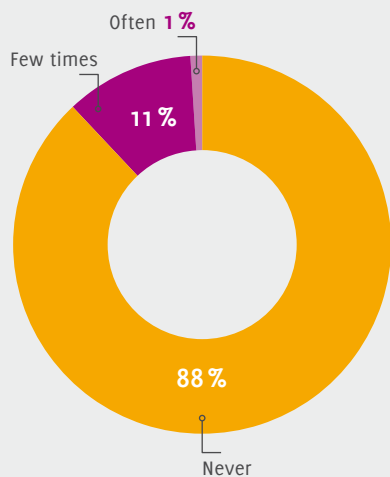


Figure 3 | Experienced discrimination from teachers

Concerning relationships with friends, 90 per cent reported that they can reveal their gender identity to friends with different identities. Of the 192 respondents who answered the question, 34 per cent stated that their friends with different identities always admire their gender identity, 22 per cent that they usually admire it, 18 per cent that they sometimes admire it, 3 per cent that they seldom admire it and 23 per cent that they never admire it.

Of the 191 respondents who answered the question, 4 per cent reported that friends with different identities always disrespect their gender identity, while 6 per cent reported that their friends usually, 20 per cent sometimes and 7 per cent seldom disrespect it. Sixty-three per cent stated that their gender identity is always respected. This shows that friends with mainstream gender identities largely respect the gender identities of trans people.

Regarding their relationships with partners, 75 per cent of respondents are always open about their gender identity and 5 per cent are sometimes open, while 20 per cent have never revealed their gender identity to their partners. Of the 159 respondents who answered the question, 57 per cent reported that their partners always admire their gender identity, 16 per cent that they usually admire it, 12 per cent that they sometimes admire it, four per cent that they seldom admire it and 11 per cent that they never admire it. Regarding whether their partners disrespect their identity, of the 158 respondents who answered the question, 2 per cent reported that their partners always disrespect their gender identity, 2 per cent reported that they usually do so, 3 per cent said that they sometimes do so, 8 per cent that they seldom do so and 85 per cent that they never do so. This finding demonstrates that most partners of trans people have

positive attitudes towards trans people and admire and accept their gender identities.

2.3 Experiences in school

Ninety-two per cent of all respondents have completed a formal education.

One per cent of respondents stated that they were always discriminated against by their teachers on the basis of their gender identity, 11 per cent experienced such discrimination once or a few times and 88 per cent did not experience such discrimination. Moreover, 43 per cent received special acknowledgment from teachers due to their gender identity (10% often, 14% a few times). These findings indicate that trans people can express their gender identity without much discrimination from teachers. > Figure 3

| A Thai trans woman from Pattaya attending the Thailand TVT preliminary research presentation



Ninety-six per cent of respondents did not report physical abuse from teachers on the basis of their gender identity; 73 per cent did not report isolation, harassment or non-physical abuse from friends or classmates on the basis of their gender identity; 92 per cent did not report physical abuse from friends or classmates on the basis of their gender identity. Eighty-five per cent of the participants reported that they had not been discriminated against at school on the basis of their gender identity. These findings indicate that educational institutions are a space in which trans people can reveal their gender identity and have it accepted.

However, concerning sexual abuse in schools, the responses are less positive. Eight per cent of respondents reported having often experienced sexual abuse or sexual violence on the basis of their gender identity, 21 per cent reported having experienced sexual abuse or violence once or a few times and 71 per cent reported not having experienced either. This finding is the clearest indicator that trans people still experience abuse or harassment in the educational system.

2.4 The labour market, career and earnings

Nine per cent of respondents stated that they have always been refused employment due to their gender identity, 13 per cent reported having been refused once or a few times, and 63 per cent reported that they have never been refused

employment on the basis of their gender identity. Regarding dismissal from jobs, 1 per cent of the respondents reported having been dismissed many times due to their gender identity, 1 per cent reported dismissal once or a few times, and 98 per cent reported that they have never been dismissed from their jobs. Of the four respondents who have been dismissed from their jobs, neither has ever pursued a legal remedy. This is because most trans people are self-employed or freelancers, and they therefore do not have the benefits associated with formal employment – labour unions, health insurance and welfare support.

Nine per cent of respondents indicated that they have always received support in their workplaces based on their gender identity, 7 per cent that they have received such support once or a few times, 79 per cent that they have never received such support and 6 per cent that there are no support measures in their workplace. Interestingly; of the 75 respondents who reported that they do sex work, 23 per cent indicated that they do so because they prefer it to other occupations, 11 per cent feel that they receive recognition of their gender identity in sex work and 95 per cent gave other reasons, including that sex work is better paid. The finding reflects the fact that career opportunities for trans people are still limited, and that trans people still experience discrimination in formal employment.

| Jetsada Taesombat, Thai TGA coordinator, presenting the Thailand TVT preliminary research findings at the International Day Against Homophobia, Transphobia and Biphobia, 2015



2.5 The health-care situation for trans people in Thailand

Trans-specific health-care is still uncommon in Thailand. Forty-eight per cent of the participants reported that they have not received counselling from medical doctors, endocrinologists, surgeons or other medical professions in regard to sex reassignment/trans health-care, while 32 per cent have received such counselling once or a few times. Of the 96 respondents who have not received such counselling, 55 per cent stated that they do not see a need for such services, 10 per cent cannot afford them, 9 per cent do not know how to access them and 8 per cent do not find it easy to access them. This finding indicates that trans people still lag behind in terms of access to health-care.

Of the 133 respondents who answered the question about their experience with health-care providers regarding sex-reassignment and trans-specific health-care, 6 per cent reported a negative experience, 41 per cent a somewhat negative experience and 52 per cent a good experience. Of the 144 respondents who answered the question, 76 per cent answered that they have received counselling services from health-care providers regarding hormone use. The finding reflects the fact that trans people are not certain about gender-sensitive health services and thus do not feel the need to receive such services. Moreover, this group's access to health-care is not limited to public health-care facilities. Some receive services from private health-care facilities or the black market. Others cannot access the health-care system at all due to the cost involved and the lack of information about trans-specific health-care.

2.6 Law and the criminal justice system

Regarding the law and the criminal justice system, 9 per cent of respondents reported that they have tried to change their gender marker in their legal identification documents; of these 18 respondents, 22 per cent stated that they found it easy to do so, while 44 per cent found it difficult. The difficulties are a consequence of the fact that there is no gender-recognition legislation and of prejudice towards and discrimination against trans people in public administration. Sixteen per cent of respondents have changed or tried to change their name to reflect their gender identity in legal documents. Of these 32 respondents, 53 per cent found it easy to do so. Many public-administration offices allow individuals to change their name in such a way that the characters and meaning of the name accord with their gender identity.

Regarding their experiences with the police, 4 per cent of respondents reported that they have often experienced abuse and harassment from the police on the

basis of their gender identity, 12 per cent that they have experienced them once or sometimes and 84 per cent that they have not experienced them. Ninety-four per cent of respondents have never been arrested or fined on the basis of their gender identity, 5 per cent have sometimes been arrested or fined on that basis and 2 per cent have often been arrested or fined on that basis. Although the data show that trans people are not often harassed or unjustly arrested on the basis of their gender identity, it does happen more frequently in places such as Pattaya.

Of the 181 respondents who answered the question, 93 per cent have never been imprisoned or detained, 6 per cent have been imprisoned or detained once or twice and 1 per cent have been imprisoned or detained several times. Among those who have been imprisoned or detained, one person reported sexual violence during detainment from both officers and other detainees on the basis of her gender identity.

2.7 Thai trans people's experiences with religion

Buddhism has influenced norms regarding masculinity and femininity that stigmatise trans people, as well as beliefs regarding sex and gender, according to which sexual relationships between men and trans women are considered same-sex relationships and therefore immoral.³⁶

Religion and beliefs are one of the determinants of whether or not trans people disclose their gender identity. Of the 186 of the 202 respondents who answered the question, 77 per cent can express their gender identity at all times, and 8 eight per cent can sometimes do so. Although religions sometimes act to suppress trans people's sexual expression, they can also provide a space for believers to express diverse gender identities. The practices vary, depending on the religion in question. Of the 161 respondents who answered the question, 42 per cent reported that their gender identity is valued by their religious community and institution, while 58 per cent reported that it is not. These differences may result from the fact that different religious communities value different virtues or qualities. In Thailand, trans people, like the majority population, are usually religious, and they are interested in going to temples and participating in or leading religious ceremonies. Indeed, 97 per cent of respondents have never been refused the right to participate in religious ceremonies. Only 1 per cent are required to conceal their gender identity in order to participate, and 2 per cent have been refused the right to participate in Muslim ceremonies.

Trans peer researchers in the training in Bangkok in June 2014



① ข้อดีของทรานส์พีียร์ (ก:1hr) → (ก:1hr)

- ใช้อาษาเดียวกัน } ใช้อัตลักษณ์ที่คล้ายกัน (Same language, Similar identities)
- ไลฟ์สไตล์เหมือนกัน (Same lifestyle)
- เข้าใจกันที่พื้นฐาน (Understanding the root/causes of problems)
- เข้าถึงกันง่าย (Easy to access to trans communities)
- บรรยากาศ : สนุกสนาน / อบอุ่น / เป็นกันเอง (Fun, Warm, Friendly)
- บรรยากาศ : เปิดกว้าง / เป็นกันเอง (Open atmosphere, Friendly)
- ได้ข้อมูลเชิงลึก (Getting deep information)
- การเข้าถึง WE CAN DO IT! (Equal opportunity for trans in research skills)
- ได้รับความมั่นใจเพิ่มขึ้น (Increasing positive attitudes)
- สร้างเครือข่าย (Building up relationship network)



2.8 Trans people's experiences in Thai Society

Twenty-six per cent of respondents indicated that they are always appreciated by society on the basis of their gender identity, 23 per cent that they are usually appreciated, 28 per cent that they are sometimes appreciated, and 23 per cent that they have never been appreciated at all. The answers depended on the individual's social status and leadership. Forty-six per cent of respondents stated that they have never been discriminated against by society on the basis of their gender identity, 20 per cent that they have sometimes been discriminated against, 21 per cent often and 13 per cent always. These findings are among the clearest indication of discrimination against trans people in Thailand. Examples of such discrimination include some entertainment sites' ban against trans women and expressions that devalue the human dignity of trans people.

Ninety-five per cent of respondents reported that they have never experienced harassment or physical abuse on the basis of their gender identity. Nonetheless, some still reported abuse due to gender bias. One respondent reported having been physically assaulted by her classmate at school and another reported sexual and physical abuse. In addition, one respondent reported an arbitrary arrest by the police. Hence, there is still a need to create safe spaces for trans people to express their gender identities.

2.9 Experiences in local communities

Trans people's experiences in their local communities differ on the basis of ethnicity and location. Thirty-two per cent of respondents stated that they are always appreciated by their local community, 12 per cent usually and 37 per cent never. Sixty-six per cent of respondents have never experienced physical abuse in their local community as a result of their gender identity, 23 per cent have experienced it sometimes, 6 per cent often and 6 per cent always. It is easier for trans people to express their gender identity in rural communities than in urban centres. In these communities, gender identity is connected with interdependence rather than competition on the basis of social status, as a result of which trans people are more readily valued as community members. However, five respondents from Southern Thailand indicated that the ethnicity and religious beliefs of their local community contribute to the shaming and blaming of trans people.

| The IDAHOT 2015 Bangkok committees from Thai Transgender Alliance, Asia-Pacific Transgender Network and the guest speakers





I Thai TGA chairperson and TGEU senior researcher offering the TVT training certificate to a participant

IV.3 Conclusion

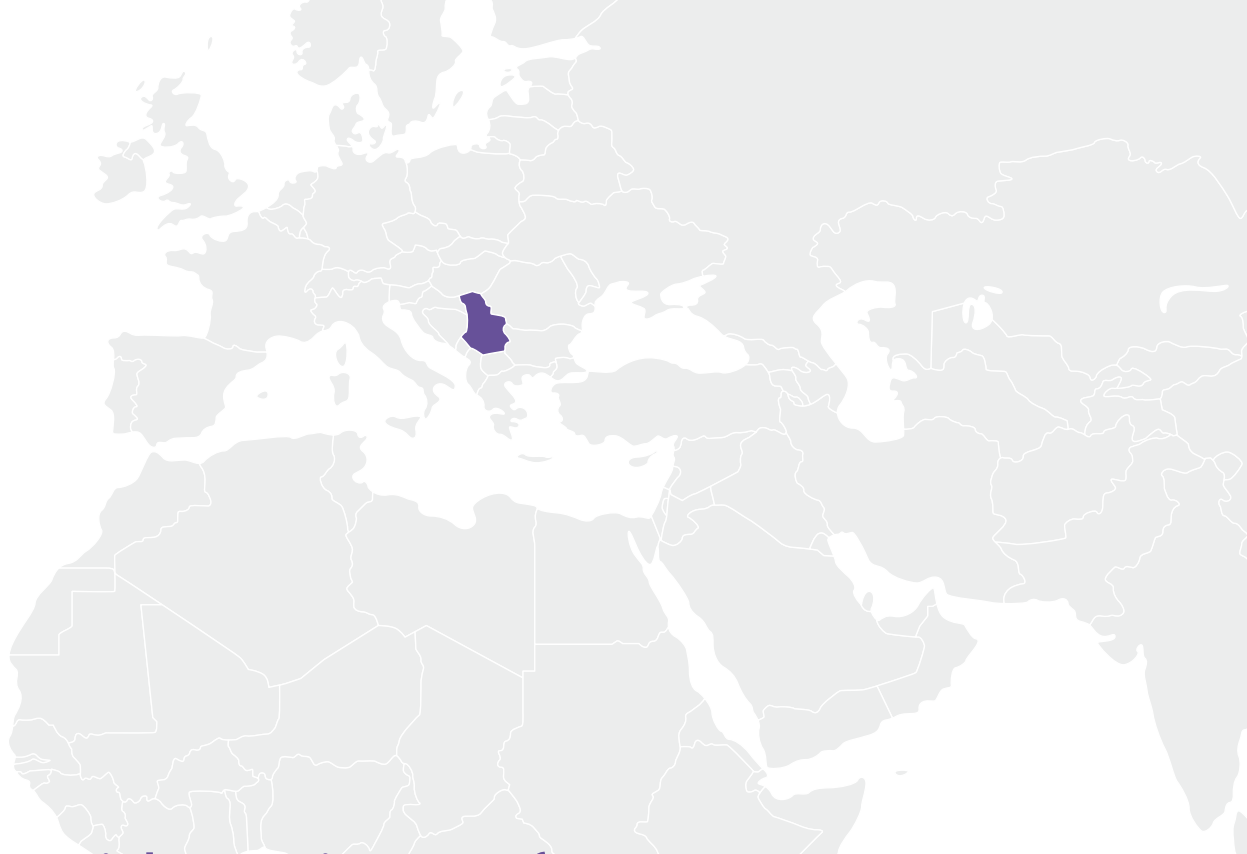
Our research collected the responses of 202 self-identified trans people. The majority of respondents live openly and confidently in their gender identity, although legal gender recognition does not exist in Thailand. Moreover, the respondents reported that Thai society has become more accepting of trans identities during their lifetime. However trans people still experience prejudice and violence.

Thailand continues to restrict the right of trans people to have their gender identity recognised in documents. Thai society also fails to fully acknowledge and understand trans people. At all social levels, including families, friends, partners, educational institutions, communities, state institutions and society as a whole, the gender identity of trans people is recognised but not fully accepted. This situation results in policy and legal infringements on the human rights of trans people. Also, the existence of stigma and gender bias cause discrimination against, violence towards and the deprivation of the rights of trans people.

Thai TGA strongly suggests that the legal vulnerabilities of trans people in Thailand be addressed, and that trans identities be legally recognised. Key stakeholders must strive for positive changes in legal and

political structures. In addition, oppressive laws and practices regarding sex work must be reformed. Laws and procedures recognising gender identity and gender expression must be implemented and enforced. Discrimination on the basis of gender identity and gender expression must be made punishable under the law, and hate crimes must be prosecuted as such.

In order to promote transrespect and reduce Transphobia, Thai TGA believes that it is necessary to continue collecting information regarding and the experiences of trans people, and to promote academic research on the topic. This TVT research project is part of that endeavour, and its data will be used to promote and advocate for social justice, collaborative partnerships and integrated approaches to achieve a just and welcoming society that respects and protects the human rights of trans people in Thailand.



V. The Social Experiences of Trans People in Serbia

Kristian Randelović and Jelena Vidic

V.1 Introduction | Serbia, the Orthodox Church and trans invisibility

There are no estimates regarding the number of trans people in Serbia due to the variety of identities and lack of visibility of trans people. As well, little is known regarding the situation of trans people in the country. Therefore, in 2012 Gayten-LGBT, an LGBT-rights NGO registered in Serbia in 2001, implemented *The Social Experiences of Trans and Gender-diverse People in Serbia* as part of Transgender Europe's (TGEU) Transrespect versus Transphobia Worldwide (TVT) project. The interviews were conducted by two people, a trans person and a cis person. They were conducted in small groups with a maximum number of four people. Many of the trans people we contacted were not yet ready to participate in such a study. Challenges occurred in the outreach to cross-dressers and trans sex workers, as members of these groups were not organised. Gayten-LGBT mainly had contact with trans people organised in a support group; however some trans sex workers took part in the survey. Altogether, 28 people with different trans identities participated in the research. Sixty-five per cent of the respondents live in Belgrade, 14 per cent in Vojvodina, 18 per cent in Central and Eastern Serbia and 3 per cent in the western part of the country. Many of the respondents were first-

time participants in a survey of this kind. There was a sense of community and belonging among those who completed the questionnaires in groups. One trans woman stated: *'It was very important for me to be part of this, because I know my statements and examples are very important to me and can be helpful and significant for my trans brothers and sisters'*.

Serbia has a population of 7,163,976.³⁷ To understand the situation of trans people in Serbia, it is helpful to know that the majority of Serbians are Orthodox and influenced by the Church. In the last census, 84 per cent of the population declared that they are Orthodox, and religion is embedded in tradition and has strong roots.³⁸

An article on transsexual people in a book published in 1986 by the former head of the Orthodox Church, Patriarch Pavle,³⁹ stated that people who undergo sex-reassignment surgery (SRS) are accepted by the Church. The Orthodox Church in Serbia does not discriminate on the basis of sex, which means that trans men and women can become members, but they may be discriminated against on the basis of their sexual orientation, since the Church will not accept them as members if they are homosexual after their reassignment surgery. Trans people can get married in the Church, but only after submitting medical documentation of SRS (stating that they can fulfil their matrimonial duties) and completing a ritual of re-admission to the faith under their new name.

After the Yugoslav Wars in the 1990s, it was very hard to form an LGBT organisation in Serbia because of the social and political situation. The general population often equated sexual orientation and gender identity. At the beginning of the 2000s, only a few LGBT NGOs were active: Labris – the Organization for Lesbian Human Rights, Gayten-LGBT – the Center for Promotion of LGBTIQ Human Rights – and Queeria – the Center for the Promotion of a Culture of Non-violence and Equality (as a working group; it officially registered as an NGO in 2005). From 2006 to 2014 Gayten-LGBT was the only organisation working with and for trans people within its trans section.

The situation has changed since this research was conducted. Two new organisations that work with the trans community have been established. The former does not work specifically with trans people, but with sex workers, including trans sex workers, and the latter, which works with trans people of various identities, was registered in 2014. These organisations work directly with the community and have active members, some of whom are present in the media. Even so, there are no trans role models, but more trans people participate in TV shows and print media, and the image of trans people and attitudes towards them are changing slowly. In 2014, the trans community was present at Pride Day for the first time.

In the public space, the most visible trans people are those who are engaged in sex work. Trans visibility during the 1990s was promoted by a publicly known trans person called Merlinka, named after the famous actress Marilyn Monroe. In memory of Merlinka, who was killed in 2003, The International Queer Film Festival Merlinka was established in 2010.

There is no legislation regulating legal gender recognition in Serbia. In 2013, Gayten-LGBT created a model law on gender identity, and it is currently advocating for its adoption. Despite the lack of explicit legal gender recognition, trans people are able to change their gender marker and other relevant personal information in their documents after they have undergone surgical interventions (including obligatory sterilisation), usually a long, uncertain and unregulated process that excludes recognition of all trans people during the process of transitioning, as well as all trans people who do not undergo SRS. Antidiscrimination legislation, adopted in 2013, forbids discrimination on the basis of 'sex' and 'sex change' (though the effectiveness with which this legislation is implemented is questionable), and in 2013 hate crime on the grounds of gender identity was added to the Criminal Code. Apart from the Law on Youth, gender identity is not mentioned in any other law.

V.2 Analysis | The current situation of trans people in Serbia

Only 12 participants gave their reasons for moving to the cities. Among the reasons these participants gave are better trans-related options (33%), better social and cultural options for trans people (17%), better work opportunities for trans people (17%), greater safety for trans people (8%) and better trans-related health-care (8%). In an interview, one of the respondents stated: *'I had to leave the old environment for college and to find a way to start my sex-change transition'*. The responses indicate that the majority of trans people who moved to the cities did so for reasons having to do with their trans identity.

The respondents' age span ranged from 23 (19%) to over 35 (26%), and their average age was 30.5. According to the 2001 census, the average age of the population is 42.2.

Thirty-six per cent of the participants identified as female trans persons and 64 per cent as male trans persons.

Almost all participants (97%) live in their preferred gender (66% always; 19% often, 11% sometimes, 4% rarely). Ten participants gave their reasons for (sometimes) not living in their preferred gender. Of these ten respondents, 20 per cent said it is their choice not to do so, 40 per cent said it is because of the obstacles they face and 33 per cent gave other reasons. One of the participants explained: *'Sometimes it's easier not to declare your gender than to have to completely explain things'*.

Thirty-eight per cent of respondents have legal documents that do not indicate their preferred gender marker. However, 67 per cent have legal documents that indicate their preferred name. Although there is no formal procedure or legislation regarding legal gender recognition, the existence of SRS for over 20 years has resulted in the following administrative practice: after trans people undergo SRS, they are provided with medical documentation stating that they have done so; they then take that document to their municipal registrar and ask to have their name and gender marker changed. Since there is no official regulation governing this process, the process depends solely on the administration officers, so some trans people manage to have this data changed with little inconvenience, for others the process is very complicated and takes many months and others have their request denied. > *Figure 1/2*

Forty-four per cent of the respondents have tried to change their gender marker in official documents. Of the 12 respondents who answered the question, 16 per cent stated

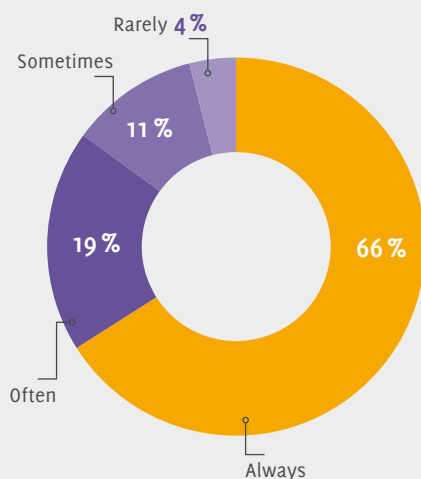


Figure 1 | Living in one's preferred gender

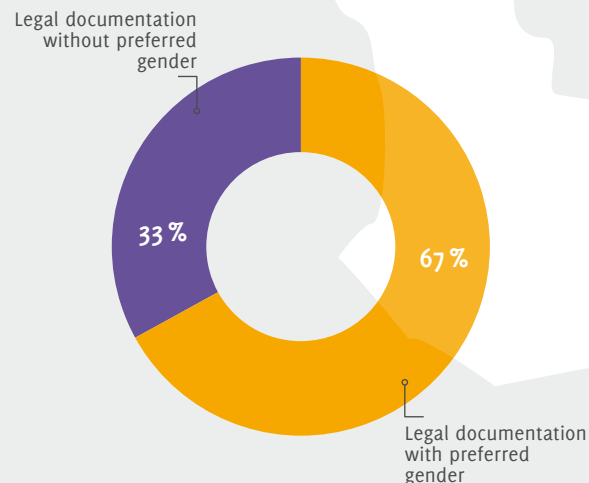


Figure 2 | Legal documentation

that it was hard to have their gender marker changed, 50 per cent stated that it was easy and the remaining 32 per cent rated it as neutral.

Fifty per cent of the respondents have tried to change their name on their documents. Of those respondents, 54 per cent found it easy and 8 per cent hard, while the remaining 38 per cent rated it as neutral.

2.1 Trans life in the context of family and friends

The vast majority of all participants (82%) were not raised in the identity they identify with. Of the 25 respondents who answered the question, 65 per cent stated that they are open about their preferred identity with all family members, while 16 per cent are not open or have not even tried to come out to their family. Of those who stated that they are open with their family, the average age at which they came out to them was 16.5 years.

When it comes to family violence, of the 23 respondents who answered the question 9 per cent reported being bullied and 4 per cent reported being attacked by family members. A third of the respondents have never received support from their family regarding their expressed identity, while 63 per cent reported occasional support. One of the respondents told the following story: *'My mother told me not to use male pronouns in her company. She told other people in front of me that it's a shame. For instance, in front of a priest she said sex change is a sin. Sometimes she threatened to kill me, because I would kill her with my behaviour, etc. But all that changed after my sex-reassignment surgery'*. Another respondent reported the following: *'Yes, my family members, mother and father, tried everything, including physical and mental abuse, negotiation, punishment, neglect and marginalizing my*

role in the family. They expressed their opinions, thoughts and criticisms, hoping that this would result in a more functional family as the basic cell of society. My brother and sister also avoided contact and talking to me. They felt ashamed and probably had comments from people in their surroundings'. One respondent had markedly different experiences before and after their SRS: *'My father supported me only in that he wasn't against it. But none of my other relatives, including my mother, supported me until the day of my reassignment surgery in February 2009. After that, just a year after, most of them were at my wedding, and everything looked like nothing had ever happened'*.

Fifteen per cent of the respondents stated that they are never open or have never even tried to be open about their identity with their friends, while 37 per cent are always open with all of their friends and 48 per cent with some but not all of their friends. Of the 23 respondents who answered the question, almost all (95%) felt that their identity is appreciated to some degree (39% always, 43% often, and 13% sometimes) by their friends. For more than half (52%), their identity is never disrespected by their friends with a non-trans identity, while 9 per cent and 17 per cent reported that their friends always or sometimes disrespect their identity, respectively. Of the 22 respondents who answered the question, over 90 per cent can express their identity with their partners openly (91%) and their identity is always appreciated (95%). Only 5 per cent of the respondents' partners sometimes disrespect their identity.

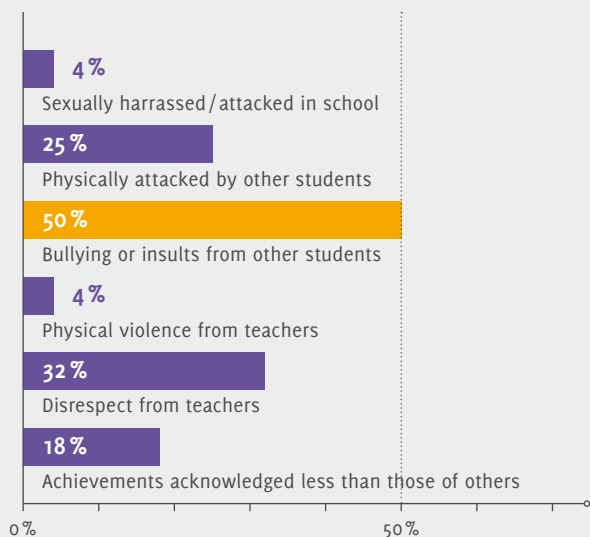


Figure 3 | Respondents' experiences at school

2.2 Being trans in school

Serbia's population is mainly high-school educated, and a small percentage has a university degree. Discrimination in school and at the workplace is high, and it particularly affects people who are perceived as different. Primary education is compulsory, and trans people often hide their identity in high school.

All respondents have completed formal education, and their average education lasted 13.3 years. Half were educated for eight to 12 years, while the other half were educated for more than 12 years. Seventeen per cent have completed only elementary education, while 83 per cent have a higher education.

The respondents are also members of a trans self-support group, and it may be the case that those with higher education are more likely to seek support and help. In turn, this may mean that the average educational level among trans people in Serbia is lower than these figures suggest. Indirectly, that may indicate that there is a need for more information about the support available for and need for education among trans people. The stigma that trans people face is not recognised in schools, because it is part of the culture, and it can be stronger or weaker depending on whether the schools are located in rural or urban areas. Fifteen per cent of respondents reported that they often found it hard to change schools or classes because of their identity, and 19 per cent said they encountered such difficulties a few times. In an interview, one respondent stated: *'I ran away from my first school, because of abuse, but I didn't have the same experience at my second school'*. Another reported the following: *'I was transferred to a different class because of my sexual orientation and appearance'*.

Eighteen per cent reported (11% often, 7% a few times) that their achievements in school were recognised less than those of other students. Almost all (96%) never received respect/acknowledgment from their teachers specifically for their identity. Sixty-eight per cent never experienced disrespect from teachers (25% a few times, 7% often), and 4 per cent experienced physical violence from teachers because of their identity.

In the Serbian educational system, students are not encouraged to respect non-conforming gender identities. Half of the respondents experienced bullying and insults from other students (14% often, 36% few times). Eighty-two per cent reported that they never received respect or acknowledgment from other students specifically for their identity, and 25 per cent were exposed to physical violence from other students (4% often, 21% a few times) Four per cent reported that they were sexually harassed or attacked at school. Three-quarters of respondents (74 per cent) stated that their identity did not affect the way they were treated at school. > Figure 3

2.3 Trans and employment in Serbia

Because of the economic crisis, most trans people are forced to find a job immediately after finishing high school. Most of the jobs they get are underpaid or in the sex industry. Many trans women (predominantly cross-dressers) are left with sex work as the only option, and they are often discriminated against by their colleagues, customers and the police.

More than half of the respondents (54%) were unemployed and they were supported financially by either their family or the state.

At the time of the interviews, 40 per cent of the respondents lived with parents/siblings, one-quarter with their partners and/or children, 21 per cent alone, 7 per cent with roommates and another 7 per cent said something else. We can assume that the specific economic status of each trans person has a significant impact on their living arrangements.

Serbia is a country in transition, with an open labour market aimed at EU accession. The transition process from state-funded to private-sector jobs continues to have a very significant impact on many people. The majority of Serbians still want to work in state institutions, where employment is stable and salaries are regular. When asked if they have ever been refused a job because of their identity, 11 per cent of respondents said yes (4% often and 7% a few times), while 44 per cent answered that they had not expressed their identity to potential employers.

Of the 26 respondents who answered the question, 12 per cent reported that they lost their job because of their gender identity. One of the respondents gave the following example: *'It affected me in so much that my appearance does not match my gender marker, which repels most employers'*. Ninety-two per cent of respondents have never received trans-specific support for employment (e.g. training or programmes for inclusion in the labour market, higher education specific for trans people). Sixteen per cent work in sectors that are more accommodating of trans people, e.g. as artists, sex workers, hairdressers, in human rights, etc. Of those respondents who engage in sex work, four gave their reasons for doing so. A quarter (25%) explained that they do sex work because of a lack of other opportunities, and another quarter (25%) explained that they do sex work because their identity is recognised in sex work.

Twenty-two per cent stated that their identity, in general, affects how they are treated at work. > *Figure 4*

2.4 The health-care situation for trans people in Serbia

In 1989, 26 years ago, the first team of medical specialists started to perform SRS in Serbia. In the following years, Belgrade became one of the most prominent SRS centres in the world, primarily due to the excellent surgical team. However the results of the survey show a differentiated picture, especially in regard to the public health system.

Twenty-nine per cent of respondents stated that their identity affects how they are treated within the public health system, and 45 per cent have had difficulties in accessing it due to cost or distance. Of the eight respondents who answered the question, 38 per cent have been refused health-care because of their identity. One respondent explained: *'The doctor refused to examine or look at me and wrote that I am healthy'*. Nineteen per cent of respondents have never accessed trans-related health-care, 26 per cent have sometimes accessed such health-care, and 56 per cent have often accessed such health-care. Five respondents gave reasons for not accessing trans-related health-care. Of these, 40 per cent reported that they cannot afford it, while another 40 per cent said that they do not know how to access it. In addition, 40 per cent gave other reasons, such as waiting for the right moment.

In regard to their overall experience with trans-related health-care, of the 25 respondents who answered the question 56 per cent rated it as good, 16 per cent as neutral, and 28 per cent as negative.

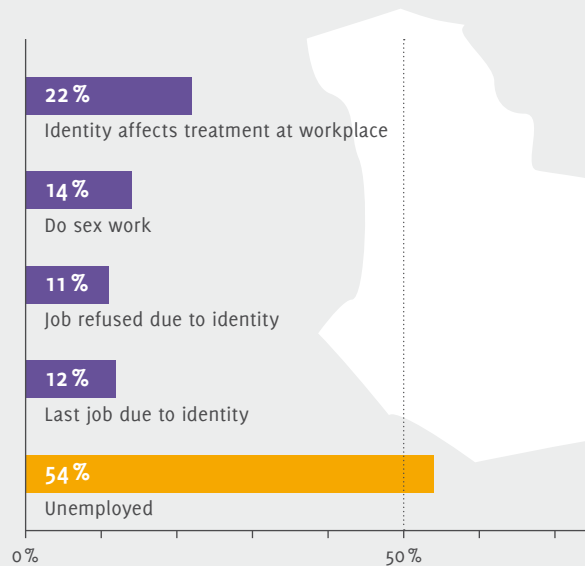


Figure 4 | Respondents' experiences at the workplace

Of the 26 respondents who answered the question, 81 per cent take hormones. Of these respondents, 24 per cent rated their experience with health-care providers vis-à-vis hormone therapy as bad, 14 per cent as neutral and 2 per cent as good.

Eighty-two per cent of the 22 respondents who answered the question have visited health-care experts in hospital regarding surgical transition, and 17 per cent rated their experience as negative, 11 per cent as neutral and 72 per cent as good.

The question regarding their overall experience with health-care professionals in relation to their identity was answered by 19 of the 28 respondents. Of those 19, 21 per cent rated their experiences as bad, 32 per cent as good and 47 per cent as neutral. One respondent remarked in the interview: *'During my transition, a doctor refused to check me in detail. He just prescribed medication. Medical staff and technicians laughed at me and were surprised regarding my hormonal therapy'*.

2.5 Serbian trans people's experiences with the police

Eleven per cent of all respondents have been harassed by the police (7% often and 4% once or twice). Seven per cent of all respondents, i.e. 2 respondents, have been fined and arrested for doing sex work. These two respondents did not experience violence, sexual harassment or insults from prison staff or other inmates. One reported that treatment by prison staff was very disrespectful. One was held in a separate unit and one in a cell with other inmates.

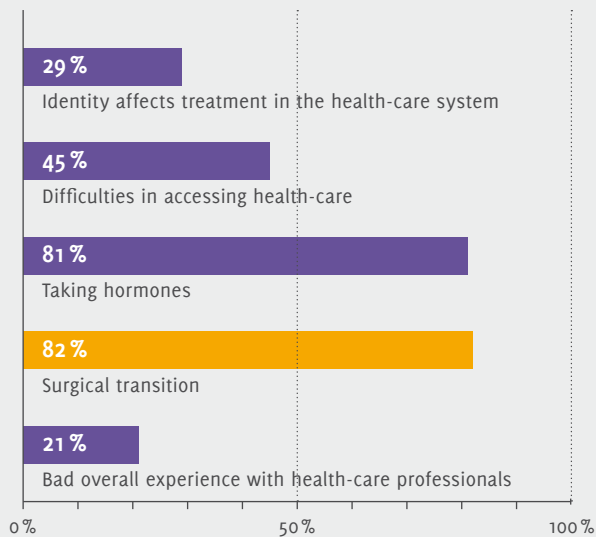


Figure 5 | Respondents' experiences in the health-care system

2.6 Serbian trans people's experiences with religion

According to the last census, a vast majority of Serbians (90%) are Christian, Orthodox (84.6%) and Catholic (5%), while 3 per cent are Muslim. Of all interviewed trans people, 27 answered the question on religion: 63 per cent are Christian, 4 per cent are Muslim and 33 per cent stated that they have 'no religion'.

Nineteen of the 28 respondents answered the question regarding whether they are open about their identity in their religion. Of them, 16 per cent said that they are always open about their identity in church and 47 per cent have never tried to communicate their identity with their religious/spiritual community, while 37 per cent said that they are not part of a religious/spiritual community. Of the six people who answered the question regarding whether they are allowed to participate in the church service, all six stated 'yes'.

2.7 Trans life in Serbian society

None of the respondents felt that their identity is always appreciated by society. Most stated that their identity has never been appreciated (81%), while 4 per cent stated that it is often appreciated and 15 per cent that it is sometimes appreciated.

Eleven per cent reported that they have never been discriminated against in society because of their identity, but 89 per cent have experienced social discrimination (30% sometimes, 44% often, and 15% always). One respondent explained: *'Most people consider transgenderism to be a disease, commonly incorrectly associated with homosexuality'*. Another stated: *'Most people avoid us because they think we are not normal and that there is something wrong with us'*.

Of the 25 respondents who answered the question, 36 per cent have experienced bullying in society. Three have experienced insults or threats of violence, one has received a death threat, and one has experienced sexual violence. Two respondents have experienced blackmail and extortion, five physical aggression and three other forms of violence.

Five of the victims filed a report with the authorities, three of whom stated that no investigation followed and there was no outcome. The remaining two rated their experience as neutral. One person stated that they were not able to leave the house for months after they had been attacked.

Of the nine respondents who answered the question regarding whether they have ever thought of committing suicide because of experiences related to their identity, 77 per cent said yes (33% often, 44% sometimes).

2.8 Serbian trans people's experiences in their local communities

Of the 21 respondents who answered the question, 81 per cent reported that they are never appreciated in their local communities due to their identity. Eighty-six per cent of the 22 respondents who answered the question have experienced discrimination in their local community. Nine per cent have also experienced violence in their local community.

V.3 Conclusion

The two-fold goal of the TvT survey was to collect data for evidence-based advocacy and to empower trans people and encourage them to share experiences, challenges and needs.

The survey results show that trans people in Serbia have the greatest difficulties when it comes to their situation in society in general, but also in the areas of employment, **legal gender recognition**, health-care, education and family life.

One of the most urgent issues for the trans community in Serbia is the lack of formal procedures for legal gender recognition. Though a high majority of respondents (97%) live in their preferred gender (66% always, and another 30% often or sometimes), only two-thirds said that they have documents that accord with their identity. This rate is possible due to the existing non-regulated practice that allows trans people to request to have their name and gender changed in personal documents after SRS (including obligatory sterilisation); however, only 50 per cent of respondents found the process easy. It is important to keep in mind that the existing non-regulated process leaves all trans people except post-operative trans people unprotected and out of system.

The impact of this informal legal gender recognition procedure, which excludes people with various trans identities, can be seen in numerous areas in this research, but primary in the area of **employment** – 54 per cent of respondents are unemployed (a rate more than double that of the general public), with 11 per cent stating that they have been rejected for a job because of their identity and 12 per cent stating this as the reason that they lost their job. Fourteen per cent of respondents work in the sex industry, saying that this is their only option to make a living, and for some of them sex work is the only way to have their identity recognised. Along with discrimination, a lack of positive measures in the area of employment is evident – 92 per cent of respondents stated that they have not received trans-specific employment support of any kind.

The issue of trans-specific health-care also stands out: 45 per cent of respondents have had difficulties in accessing trans-specific health-care due to distance or costs, and almost 30 per cent stated that their identity has affected the way they have been treated in the public health-care system. The situation is significantly better when it comes to physical and mental health-care provided by the expert team located in Belgrade – the majority of respondents described the care they have received from this team as satisfying. However, this situation raises two important

issues: the accessibility of health-care (in terms of cost) and the lack of information among general practitioners regarding trans people. Since 2012, 65 per cent of the cost of SRS is funded by the public health insurance, but some trans people are still unable to obtain the remaining third. As well, hormone therapy is not covered by insurance, and pharmacies are not always well supplied with this kind of medication. Training for general practitioners and other health professionals on trans issues and trans health is also needed.

Besides training in the area of health, this research has indicated that awareness raising among the general public, as well as systematic work with schools and the families of trans people, is needed, regarding both the provision of information on gender identity and recognising and eliminating violence and discrimination against trans people. Patterns of violence and rejection are different in different areas. Eighty-nine per cent of trans people stated that they have experienced discrimination from society, including bullying, violence and threats; half of the respondents were bullied in school, and 25 per cent were physically attacked there; 9 per cent reported bullying and 4 per cent physical attacks in their families. However, when it comes to family life, lack of support is the most prominent pattern: a third of the respondents have never received support from their family related to their identity, while two-thirds have received support occasionally.

The discrimination and violence against, and rejection of, trans people in Serbia demands targeted long-term multi-dimensional actions. These measures should include awareness-raising, sensitivity and education campaigns, intervention programmes in schools and workplaces (both preventive and supportive, and directed at both gender identity and violence against trans people), training regarding trans-friendly approaches in the health-care system and the inclusion of hormone therapy in the list of medications funded by government, as well as the continuation of the supportive activities (support groups, outreach work, help-lines, individual psychological and legal consultation) of organisations that already work with trans people. There is also a need to adopt inclusive legislation to regulate legal gender recognition for people of all trans identities and to protect their rights, including the rights not to be discriminated against and to health, family life, education and insurance. Gayten-LGBT's model law on gender identity presents the first step in this direction. But there is also a need for a comprehensive and systematic approach to the difficulties trans people face in all areas.

| 'Transfobi öldürür - Transphobia kills' - Manifestation against transphobic hate violence in Ankara (Turkey), November 2010





VI. The Social Experiences of Trans People in Turkey

Kemal Ördek

VI.1 Introduction

In Turkey, Pembe Hayat, a trans-rights NGO based in Ankara, implemented *The Social Experiences of Trans and Gender-diverse People* as part of Transgender Europe's (TGEU) Transrespect versus Transphobia Worldwide (TvT) project. The research was carried out in 2012 by and with trans people from four cities in Turkey: İstanbul, Ankara, İzmir and Eskişehir. After being trained on how to conduct interviews, six trans activists and local members of trans communities reached out to 109 trans people in total.

This chapter was written by the Red Umbrella Sexual Health and Human Rights Association (Kırmızı Şemsiye), a sex-workers' rights-advocacy NGO based in Ankara. Red Umbrella has combined the analysis of the TvT survey with supporting documentation from other community resources as well as reports from different NGOs that have worked on trans rights in Turkey. In what follows, we will first provide a brief overview of trans communities and activism in Turkey and then present the survey findings in combination with references to supporting documentation.

A brief history of a vibrant community and trans activism in Turkey

Trans people have been visible in Turkish society for a long time and in many ways. Even though they have been among the most marginalised and vulnerable social groups, they have always found ways to survive and mobilise in response to human-rights violations. In Turkey, trans people, and especially trans women, have been portrayed as 'negative role models' – as people who use drugs, sex workers, thieves, immoral and sinful perverts and so on. The overall image of trans people has exacerbated the societal exclusion and marginalisation of the community as a whole. However, trans people have always been in the public consciousness, as either criminals or celebrities that are appreciated by the whole society.

In the late Ottoman Empire, in the nineteenth and early twentieth centuries, trans people were visible as 'effeminate guys' in certain sectors, including the entertainment sector and as sex workers and assistants to well-known officials. These 'effeminate guys' even had their own guilds, through which they regulated the sectors they worked in, especially in sex work, which demonstrates the level of recognition of this community. Trans visibility was limited to certain sectors due to the dominant belief that these 'effeminate guys' could only fit in in these sectors. In other words, discrimination was still evident.



I Participants in the National Trans Sex Workers Consultation Meeting, 18 December 2014, Ankara

After the establishment of the Turkish Republic in 1923, sexuality and various sexual identities were invisibilised and became taboo, but in the 1960s and 1970s trans people became increasingly visible in public life, especially in big cities like Istanbul, Ankara and Izmir. Trans people, especially trans women, were sex workers, singers, dancers and celebrities. On the one hand, trans women experienced severe human-rights violations and societal exclusion as sex workers; on the other hand, celebrities like Bülent Ersoy, Zeki Müren and Seyfi Dursunoğlu were enormously appreciated even though their sexual identities were highly discussed in public. In the 1970s, several trans women were on stage as singers or film artists. This kind of acceptance or tolerance demonstrated a type of hypocrisy in Turkish society: several trans celebrities enjoyed public support and wealth, while the vast majority of trans women had to engage in sex work and faced ignorance and oppression from the state and society.⁴⁰

With the military coup in 1980, visible trans celebrities were banned from public life. Bülent Ersoy, for example, faced oppression from the military administration, was banned from the stage and had to flee the country because of her gender identity. Other celebrities, like Zeki Müren, were not willing to be open about their identity and acted

in line with the roles the coup wanted from them, which ensured them a wealthy and a popular life. Most others had to quit their stage shows and album productions and remain silent.⁴¹

The military administration created an atmosphere of fear within the trans community. Trans women and feminine gays experienced full state oppression. Trans women who were sex workers were subjected to torture at police stations or military centres. There were times when trans and gay sex workers were put on trains and sent from Istanbul to the rural areas of Anatolia. 'Cleansing' the city of the 'unwanted' was the policy.⁴²

In the late 1980s, trans women sex workers in Istanbul started to demonstrate against the continuing state oppression. Several community members came together to protest police violence in Taksim Square and started a hunger strike in 1987. Trans women sex workers became increasingly visible in protesting the human-rights violations they experienced in this period.⁴³

The late 1980s also saw an important change to Turkish legislation. With the support of then-Prime Minister Turgut Özal, a centre-right politician, Bülent Ersoy was granted the right to change the gender on her identity card. Ersoy had undergone SRS abroad after she had to flee the country,

and with the change to the Civil Code in 1988, which enabled trans people to change their gender markers and names for the first time, she returned to Turkey and continued her career as a transsexual woman.⁴⁴

Trans women sex workers experienced significant violence and exclusion in the 1990s. Police stations were torture centres for trans women. Süleyman Ulusoy, known as ‘Hortum Süleyman’, chief of police at Beyoğlu Police Station, became notorious for his torture methods. He was called ‘Hortum Süleyman’ (‘hortum’ means ‘hose’) because he beat trans women with hoses at the Beyoğlu Police Station. He also played a leading role in the 1996 ‘cleansing’ of Ülker Street, a street in Beyoğlu where trans women sex workers lived.⁴⁵ A systematic witch hunt was carried out by the police and local residents against trans women sex workers, and several community members survived physical lynching attempts. Trans women began getting involved in organisations like Lambdaistanbul (Istanbul) and Kaos GL (Ankara) from the very beginning of the 1990s to fight against the on-going and widespread violence they faced. In 2006, a ‘cleansing operation’ similar to the one in Beyoğlu in 1996 was conducted by state-sponsored gangs and police in Eryaman, Ankara, where trans women sex workers lived and worked together. Several community members suffered severe physical attacks and lynching attempts, and their houses were raided and their cars were damaged and burned.⁴⁶

In response to these atrocities, trans women in Ankara started the first trans-led NGO, Pembe Hayat,⁴⁷ in 2006. Pembe Hayat’s first campaign was against the systematic attacks against trans women sex workers in Eryaman. A group of trans women from Istanbul started to self-organise and mobilise community members in response to the on-going human-rights violations. As well, Istanbul LGBTI⁴⁸ became more active as a trans-led NGO in 2010.

Until the mid-2000s, trans-rights activism in Turkey had focused mainly on trans women’s rights, but this focus started to change in the second half of the decade. A group of trans men came together to discuss their own issues and needs at house meetings or in LGBTI platforms. They founded Voltrans Transmen Initiative⁴⁹ and became an active advocate of trans men’s rights.

In 2013, two NGOs with two different focus areas were registered. Red Umbrella⁵⁰ was registered to voice the demands of sex workers of all genders and to bring a sex-workers’ rights perspective to the movement. T-Der,⁵¹ Trans Counselling Center Association, was registered to advocate for better access to trans-specific health-care and for the right to legal gender recognition for all trans people in the country.

The human-rights situation of trans people in Turkey

Trans people are one of the most vulnerable and marginalised groups in Turkey. There are several reasons for this situation – widespread Transphobia, the lack of legal and policy-based protection from the authorities, the criminalisation of sex work and ‘whorephobia’.

Many times, because they were obliged to quit school, trans people lack qualifications for regular jobs. But in many cases they are university graduates and possess the required qualifications but still face discrimination. Their job applications are rejected, or they are fired if they are found out to be trans. Widespread discrimination in education and the job market pushes many trans women into the sex industry.

Sex work is not illegal in Turkey, but every step that a sex worker takes to do sex work outside of a brothel (more on this below) is illegal. This contradiction emerges because of the blurry nature of the existing laws around sex work. Sex workers regularly face police raids, arbitrary administrative fines, house closures, extortion by the police, ill treatment by the police and torture and violence from their clients and organised groups/gangs. Sex workers have almost no access to justice, and impunity for perpetrators



of crimes against sex workers is widespread, which leads to a vicious cycle of further human-rights violations for trans women sex workers.⁵²

Transphobia brings with it the burden of stigmatisation and marginalisation for trans women. Discrimination in almost all sectors is the direct result of these social dynamics and is linked to hatred directed against trans women. Many trans women experience insults, threats and physical and sexual violence. Since many trans women are sex workers, they are at risk of 'whorephobic' violence as well.

Indeed, most forms of discrimination or violence that trans women in Turkey experience result from the fact that they do sex work. Sex work in Turkey is not regulated to protect the rights of sex workers, but rather to control them and eliminate the industry. Laws and policies around sex work result in oppression against sex workers. Institutional violence is evident in every city in Turkey. Trans women sex workers are subjected to administrative fines, which are justified on the grounds that they are intended to 'ensure general morality' and 'general health'. The houses of trans women sex workers are regularly raided by the police and are closed for at least a month. Trans women sex workers

are prevented from accessing their rights to housing and freedom of movement and are pushed into poverty as a result of the systematic economic violence they face.

The impact on trans women sex workers of the existing laws around sex work are severe. Safe and protected places for work are closed down by the authorities and trans women are pushed to the streets for work. Doing sex work on the streets is highly risky, as trans women sex workers are faced with attacks from clients, organised groups/gangs, the police and other people. Often, trans women sex workers work on the outskirts of cities in order to avoid police harassment, which results in higher levels of violence.

Turkey is among the ten countries with the highest absolute numbers of reported murders of trans people worldwide, according to TGEU's Trans Murder Monitoring (TMM) project.⁵³ A large majority of murdered trans women were sex workers. Laws and policies that criminalise sex work, widespread discrimination in employment and education against trans people, impunity and lack of access to justice and legal and policy-based protection for trans people all contribute to further violence and murders.

Trans people in Turkey can change their name and gender on their legal documents. In other words, there is legal gender recognition in Turkey.⁵⁴ However, there are several problems attached to this issue. First, gender recognition requires a trans person to obtain a diagnosis from a team of doctors, get a divorce if married, be above 18 years of age and be sterilised. Secondly, the process is lengthy and costly. Often, depending on the attitudes and experiences of health professionals and judges, it can take a trans person two years to have their gender recognised. Many trans people lack proper jobs and sustainable financial support, which adds to the difficulties involved.

In addition, many trans people who do not live in big cities do not have access to trans-specific health-care because of the lack of quality health services and experienced health professionals. Many trans people go to big cities for SRS. Even in big cities, only a few university hospitals and some private hospitals are equipped with experienced health professionals and the required facilities for surgery. Other services, like hormone therapy and psychiatric services, also do not exist in many Turkish cities. This makes it impossible for many trans people to start and complete the legal gender-recognition process in many cities. > *Figure 1*



| Participants at the Conference on Ending Violence against Trans Women Sex Workers

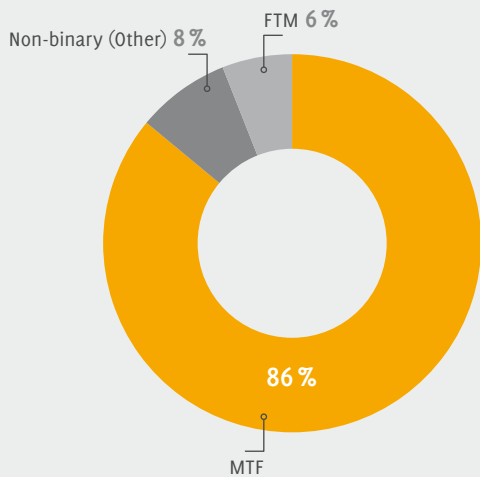


Figure 2 | The trans identities of survey respondents

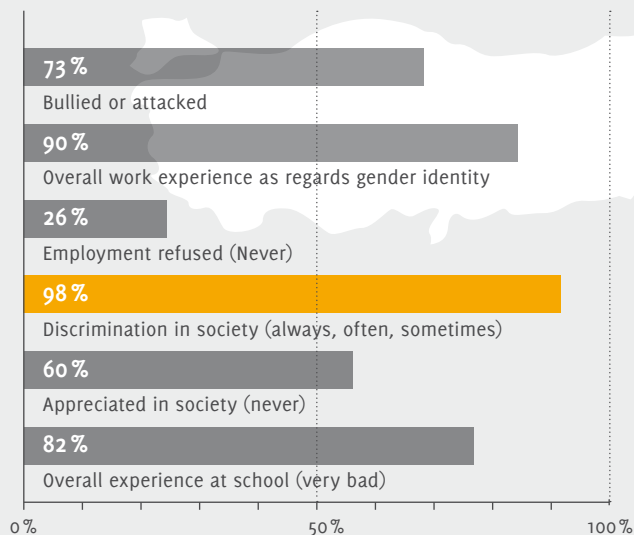


Figure 3 | Trans people's experiences of discrimination in regard to education and employment

One of the barriers in regard to gender recognition and access to health-care services is judicial authorities' and health professionals' ignorance of the issues involved and discrimination against trans people.

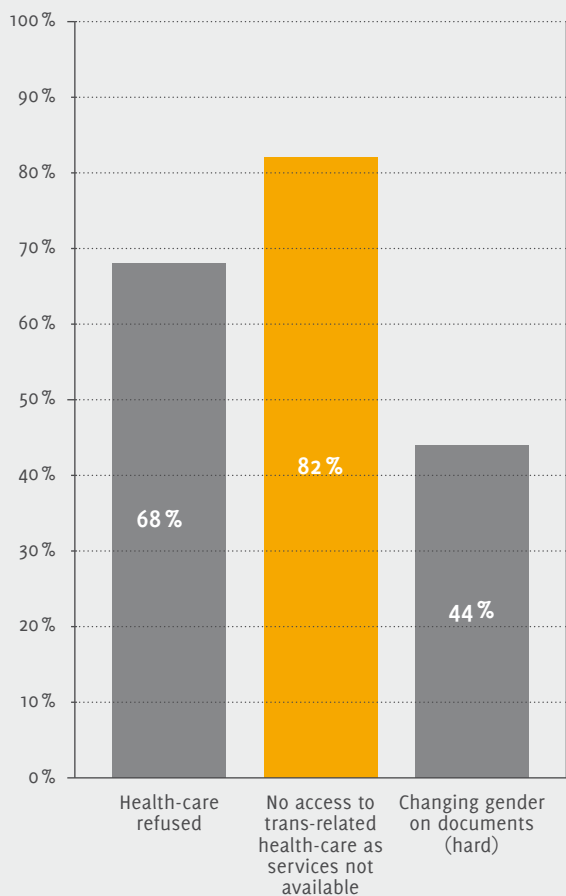


Figure 1 | Trans experiences in regard to access to health-care and changing one's gender on official documents

VI.2 Analysis

Of the 109 respondents in the TvT survey, 86 per cent identify as MTF, 6 per cent as FTM and 8 per cent as non-binary. Seventy-five per cent are sex workers, and they were most likely also thinking of their sex-work experiences while answering these questions. > Figure 2

The research that was carried out by Red Umbrella targeted only trans women sex workers. This fact must be taken into account when analysing the differences between the TvT survey and the research by Red Umbrella.

2.1 Discrimination and violence in social context | Family, school and work

Trans people face stigmatisation from the very beginning of their lives. Having a non-conforming gender identity or gender expression results in stigmatisation and social exclusion. In the TvT survey, of the 108 of 109 respondents who answered the question on discrimination from society, 66 per cent stated that they always experience discrimination from society, while only 2 per cent feel that they have never been discriminated against. Many trans people experience pressure from their family members, peers, teachers and others. Many times, they face different forms of violence. At school, they are subjected to bullying, discriminatory attitudes and even violence from other students, their teachers and the administration. According to the TvT survey, of the 49 respondents who answered the question on experiences at school, 63 per cent stated that their overall experience was very bad or bad. Being a trans child or adolescent may mean being trapped in an endless struggle for recognition. > Figure 3



Transgender Sex Workers from Ankara speak at the Conference on Sex Workers' Human Rights, held on 14 March 2015 in Ankara and organised by the Red Umbrella Sexual Health and Human Rights Association

Trans women and trans men experience different types of discrimination and violence. Consistently with the dominant patriarchal system, femininity is perceived as inferiority in society. As a result, trans children or adolescents who want to wear female clothing or express themselves in a feminine way easily become targets of Transphobia. The situation differs in many ways for trans men, but they too face severe human-rights violations. They are perceived as 'masculine ladies', and masculinity is appreciated in Turkish society. However, they benefit from this prejudice only as long as they live as female. If they come out as trans men, they are faced with rejection, stigmatisation and discrimination, often in the form of rape, forced marriage or brutal violence and murder.

Many trans women leave their families and cities of residence because of the rejection and violence they experience. Many times, they escape from threats from neighbours and relatives. Being trans may 'damage a family's honour', which is why many trans women receive death threats from their families.

Trans women experience discrimination in access to employment opportunities other than sex work. In the TVT survey, among the 101 respondents who answered the question, 34 per cent stated that they have often been refused a job because they are trans. In addition, among the 50 respondents who answered the question, 90 per cent stated that their overall work experience in regard to their gender identity or gender expression is negative.

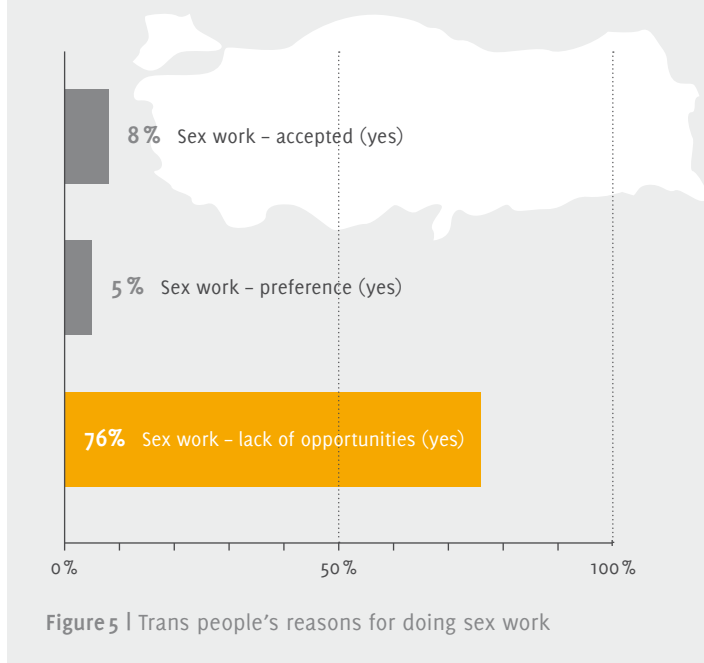
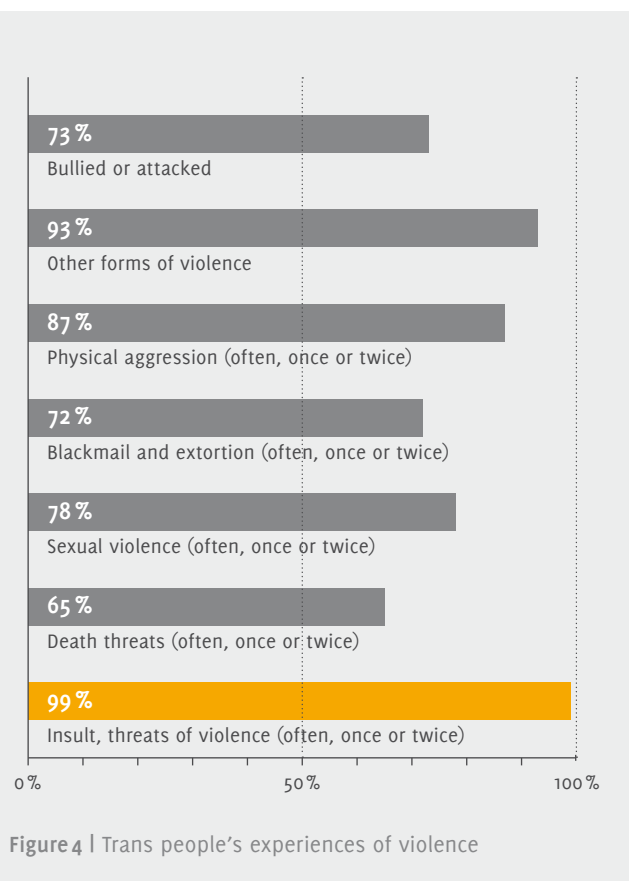
2.2 Violence against trans people in Turkey | Life in the midst of systemic hatred

Trans people experience high levels of violence from their family members, partners, clients, organised groups, the police and other people. Being caught in the crosshairs of Transphobia and 'whorephobia' and lacking protection mechanisms, trans women in particular face the difficulty of living in an unsafe environment.

Of the respondents who identify as trans women, 87 per cent are engaged in the sex industry. However, the actual percentage of trans women who are engaged in sex work in Turkey is likely higher. The sex industry in Turkey is largely an underground activity attached to economic exploitation, physical and sexual violence and illegal networks, mainly because sex work is not regulated to protect the human and labour rights of sex workers. Unregistered sex workers face police harassment, administrative fines, house raids and closures. According to the by-law that regulates sex work in Turkey,⁵⁵ sex workers are only permitted to work in registered brothels, and only if they have pink ID cards.⁵⁶ Since trans women who work as sex workers have usually not had SRS, they do not have the right to work in brothels, which are comparatively secure working places. In short, the legislation around sex work in Turkey pushes trans women sex workers away from secure working environments by not allowing them to work in registered brothels, closing their houses and arbitrarily fining them. As a result, trans women sex workers experience high levels of violence.

In an interview, I stated: ‘Since a huge majority of trans women in Turkey do sex work, as a result of existing discrimination in education and employment and violence from their peers and family members, and since sex work is not formally regulated in a way to protect the rights of sex workers, but rather to prosecute them, trans sex workers are continuously targeted by law enforcement bodies, together with gangs and their clients. The majority of physical attacks and killings are directed at trans sex workers, as they are pushed into insecure environments at the margins of the society, where the police and/or judicial authorities legitimize the violence they face through their actions.’⁵⁷

According to TMM data, 37 trans people were murdered in Turkey between 1 January 2008 and 31 December 2014, accounting for 39 per cent of all reported murders in Europe.⁵⁸ This alarming figure demonstrates how regularly murders are committed against trans people in the country. Several incidents of violence, including murders, had a transphobic or ‘whorephobic’ motive. In many cases, perpetrators have confessed that they murdered the victims because they found out that the person was trans, wanted to restore their family’s honour or panicked at seeing a trans person. Many of the incidents involved an extreme degree of brutality, including stabbing the victims dozens of times, decapitating them and removing their silicone implants and genitals. Keeping in



mind that trans women, known as ‘travestis’, are automatically thought to be sex workers and that almost all of these trans women were sex workers, these incidents can be considered ‘whorephobic’ as well.

Eda Yıldırım, a trans woman sex worker from Bursa, was murdered in 2009 by one of her clients, and she was decapitated. Her silicone breast implants were severed from her body.⁵⁹ In another incident, a trans woman sex worker was shot to death by her brother in Gaziantep in 2011 while she was at a hospital.⁶⁰ Her brother confessed to the police that he shot her because her ‘brother’ was engaged in transvestism, and that he wanted to restore his honour. These and many other incidents throughout Turkey have left trans women in fear of being attacked or murdered because of their gender identities/ gender expressions or the work they do. As demonstrated in the case in Gaziantep in 2011, transvestism is often viewed as damaging to a family’s honour and can be a reason for murder.

Trans people experience severe verbal and physical attacks and lynching attempts. The motives behind these incidents are clearly transphobic and ‘whorephobic’. According to Kaos GL’s 2013 *Report on Homophobic and Transphobic Hate Crimes*,⁶¹ trans people experience much higher levels of violence than people who identify as lesbian or gay. Only a quarter of all media reports of violence against trans people indicated that the victims were trans. However, in two-fifths of all reported murders of LGBTI individuals, the victims were trans. In addition, 83 per cent of all cases of extreme physical violence involving LGBTI individuals were committed against trans people. Ninety-nine per cent of all 109 respondents in the TVT survey said they have experienced insults and threats of violence, while 87 per cent said they have experienced physical aggression and 78 per cent have experienced sexual violence. In

addition, 72 per cent of the respondents have faced blackmail and extortion, while 68 per cent stated they have received death threats. > *Figure 4*

According to the data from field research conducted in 2014 by Red Umbrella with 233 trans women sex workers from ten Turkish cities,⁶² 74 per cent of the respondents had experienced physical violence. Fifty-four per cent stated that they had experienced sexual violence and 68 per cent that they had experienced psychological violence in the form of threats, insults, regular harassment and verbal abuse.

Trans women have been targets of collective lynching attempts in many cities in Turkey. According to the TVT survey, only 2 per cent of all 109 respondents stated that their trans identity is appreciated by society. The view of trans women as criminals who destroy public order by engaging in prostitution and drug use has fuelled discrimination against them. Apart from the collective lynchings on Ülker Street in Istanbul in 1996 and in Eryaman, Ankara, in 2006 (both described earlier), a more recent example of collective threats occurred in Avcılar, Istanbul, against trans women sex workers, where local residents took to the streets and marched against sex workers with slogans like 'No to prostitution!' and 'We protect our morality' and created an atmosphere of fear. Several other collective threats and protests have taken place in Antalya, Izmir, Istanbul and some other cities for

years. A common characteristic of these collective actions against trans women who do sex work is that they have both 'whorephobic' and transphobic motives. Another important element is that the police have either been directly involved in mobilising locals against trans women sex workers or ignored the attacks or threats.

In my book, which highlights the impact of administrative fines that target trans women sex workers, I state: *'At any place in Turkey, locals await in bid for targeting sex worker trans women in a collective manner. Social unrest, which is fed by the argument of 'moral values' and 'anti-prostitution' creates an atmosphere of mobilization and threats against sex worker trans women. This unrest paves the way for possible 'cleansing operations' by the police and the locals.'*⁶³

2.3 Institutional violence: When the state is the perpetrator of violence

Trans people experience high levels of police violence. The existing legislation on sex work paves the way for police officers to use excessive force against sex workers, and trans women sex workers are continuously harassed and discriminated against by the police. According to the TVT survey, of all 109 respondents who answered the question, 61 per cent stated that they have often been harassed by the police, and 14 per cent stated that they have sometimes been harassed by the police. Only 25 per cent of the

I Öykü, a transgender-rights activist from Diyarbakır, addressing the audience at the Conference on Ending Violence against Trans Women Sex Workers, which was held in Ankara on 20 December 2014



respondents stated that they have not been harassed by the police. However, we should be careful in interpreting this data because these figures include all trans people who participated in the survey. It is likely that trans women face greater police harassment than do all trans people, primarily because 87 per cent of trans women respondents do sex work.

In the TvT survey, of the 108 of 109 respondents who answered the question, 42 per cent stated that they have often been fined by the police, while 29 per cent stated that they have been fined once or twice. The reasons given for fines are prostitution, cross-dressing and public nuisance. Of the 106 respondents who answered the question, 46 per cent stated that they have often been arrested by the police, while 25 per cent have been arrested once or twice. Only 28 per cent of the participants have never been arrested. The reasons for arrest are the same as for the fines, and it is again important to note that fines and arrests are higher among trans women. In other words, the percentages would be higher if trans men were excluded. Secondly, it is clear that trans women are regularly targeted by the police because they do sex work. The by-law on sex work is used to apply the Law on Misdemeanours, which enables the police to use administrative fines against trans women.⁶⁴

The extensive powers of the police to combat 'prostitution' result in various forms of violence against trans sex workers. Police use threats of physical violence or actual physical violence against trans women sex workers if they object to the arbitrary nature of the fines. Sevda, a trans sex worker from Ankara, recounts her experience of police violence: 'A police officer who fined me yesterday night approached me again on the same day and wanted me to get on the police car to be taken to the police station and to get fined. I was tired of this vicious cycle and rejected to be fined. He started to beat me up with his stick. Another police officer also came and started to hit me. They did this for at least five minutes. Only when the passers by reacted, they stopped. I was taken to the hospital and stayed there for five days with injuries and a broken arm'.⁶⁵

Half of the respondents in the research done by Red Umbrella on violence against trans women sex workers stated that they had experienced physical violence from police officers. A third of the respondents stated that they had experienced police violence at police stations, while the vast majority of those who stated that they had experienced violence while working on the streets experienced this violence from the police. > Figure 6

Another impact of administrative fines, house raids and closures and the overall fight against prostitution by law-enforcement officials is that trans women sex workers are subjected to economic violence. From a more structural

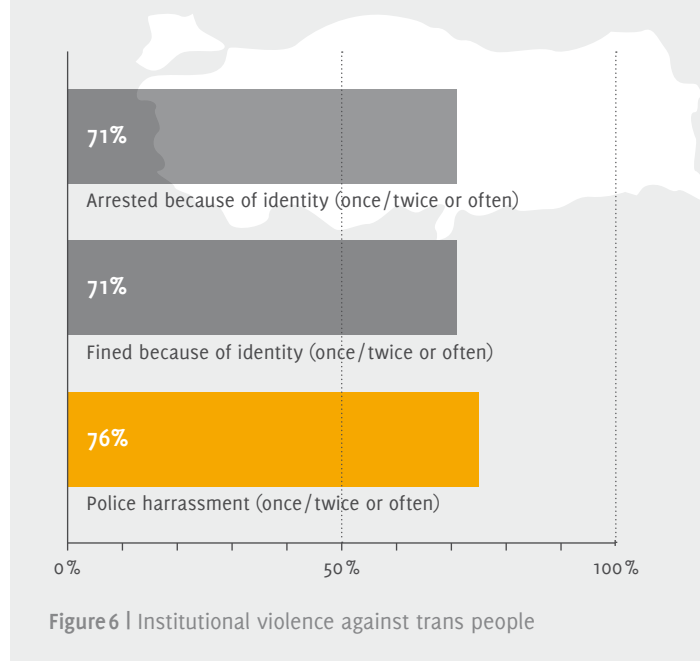


Figure 6 | Institutional violence against trans people

perspective, trans women sex workers experience economic marginalisation and poverty because they are systematically subjected to regular fines. Göksu, a trans woman sex worker who is in debt to the state because of the fines she has received, stated: 'I have to pay 40,000 TRY to the state just because of these fines. I am getting older and sick. How will I be able to pay this debt back? I can't, and I am depressed. I have thought of committing suicide many times'.⁶⁶ The policy of oppressing unregistered sex workers leads to a further financial burden for trans sex workers. Moving to other houses, being forced to work on the streets or being fined after house raids create financial difficulties. In addition to breaching these people's right to housing, police raids breach their right to privacy. In short, discriminatory and arbitrary police actions both create financial difficulties for and impinge on the basic rights of trans people.

2.4 Barriers to justice, and the problem of impunity

Trans people experience very significant barriers in accessing justice, which in turn makes them more vulnerable to human-rights violations. First, many trans people do not have the tools to obtain information on how to access justice. Second, trans victims of discrimination and violence usually lack the necessary economic means to cover the costs of legal assistance. Third, trans victims do not trust the police or the courts. Many trans women sex workers hesitate to file a complaint against perpetrators because of fear of reprisals from perpetrators, threats from perpetrators and fear of being outed as sex workers – and the disadvantages that result.

According to the research carried out in 2014 by Red Umbrella with trans women sex workers, 42 per cent of all of respondents who experienced physical violence did not

report these incidents to the police or to a prosecutor's office. The reasons for not doing so were a lack of trust in the justice system, fear of being targeted by the police and the belief that they would be victimised again. Of those incidents that were reported, only 11 per cent resulted in cases in which perpetrators received the appropriate sentence. In the other cases, either the police ignored the complaint or judges acquitted the perpetrators or decreased their sentence.

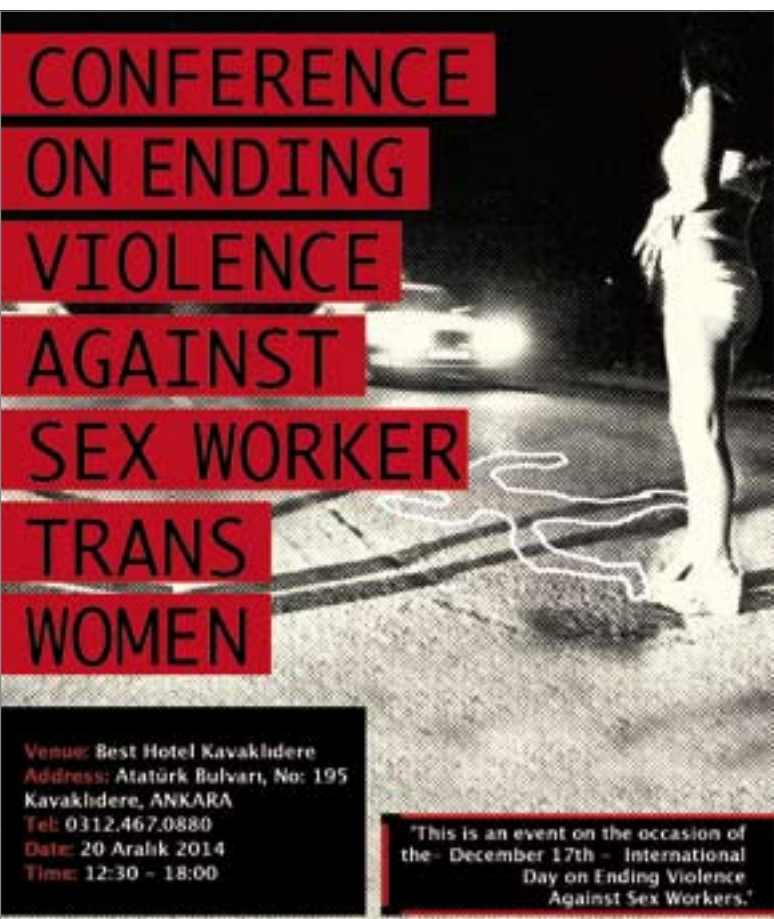
Eylem, a trans woman sex worker from Ankara, stated: 'While working on the Street, I and my trans friends were physically attacked by a group of men. Our cars were destroyed. We tried to escape from the incident scene with our cars and they followed us for a while. The left arm of one of my friends was broken as a result. We went to the nearest hospital and then to the police station. They ignored us and did not want to report the cases. Later we learnt that the recordings of the surveillance system on the same street was deleted by the police. Still, there is no result and perpetrators are free.'⁶⁷

Trans people hesitate to report the arbitrary actions of police officers. There is a strong belief that police officers at police stations will ignore or victimise them further. Mine, a trans sex worker from Istanbul, stated: 'A police officer stopped by me on the street and wanted me to get into the car. I asked why, and he held my arm and forcibly put me into the car.'

He started to shout at me, saying, "Faggot, never dare go on this street again!" He hit me in the face and took me to the police station to fine me. I wanted to file a complaint against the police officer, but other police officers laughed at me and said: "Do you think you'll be able to go and work on the same street again if you report what you experienced?"'⁶⁸

In many cases, police officers who are perpetrators of violence file complaints against trans people in order to deter the victims from filing complaints against them. For instance, three trans sex workers from Ankara were attacked by several police officers on a street, and they filed complaints. Immediately after their complaints, the same police officers charged the victims with 'resisting the police' and 'insulting the police'. The charges were prosecuted, and the three trans sex workers received sentences of a few months' imprisonment, while their complaints were officially ignored and none of the police officers were disciplined or charged.⁶⁹

Perpetrators who are convicted of murdering a trans person usually receive low sentences. There have been many instances in which a perpetrator has argued that he murdered a trans woman because he was shocked and panicked when he discovered that the victim was not a woman. Perpetrators use this argument as a strategy to have their sentences reduced with 'unjust provocation decreases'. Lale Kemal, a Turkish journalist, states: 'The killings of several transsexuals and transvestites, along with recent violence by police against transgendered persons, are worrying developments. Courts have applied the principle of 'unjust provocation' in favor of perpetrators of crimes against transsexuals and transvestites'.⁷⁰



| Poster of the Conference on Ending Violence against Trans Women Sex Workers, which was held in Ankara 20 December 2014 and organised by Red Umbrella Sexual Health and Human Rights Association

VI.3 Conclusion

Lawmakers and decision-makers in Turkey must enact anti-discrimination and hate-crimes legislation that includes gender identity and gender expression as grounds for special protection. This requirement is also listed as one of the recommendations by the former Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg, in his 2009 Issue Paper *Human Rights and Gender Identity*.⁷¹ The Recommendations of the Council of Europe Committee of Ministers (2010)⁷² and the Resolutions of the Human Rights Council of the United Nations⁷³ also require states to take all necessary steps to protect trans people against discrimination and violence.

The government must also require all public and private companies to establish and enforce anti-discrimination policies vis-à-vis trans people. Social programmes that facilitate exit strategies for trans women who want to leave the sex industry should be established by the government. These programmes should be designed to offer economic and other support to people as they make the transition to other kinds of work.

The existing laws on violence against women and domestic violence must be revised, and gender identity and gender expression should be included as grounds for protection. The articles of the same law must be revised to be consistent with the Istanbul Convention.

The Turkish government must decriminalise sex workers, their clients and third parties. The Turkish Penal Code should also be revised to the same effect. Turkish police must stop fining trans sex workers and raiding and sealing off their houses. All arbitrary action, ill-treatment and torture by the police against trans sex workers must be prosecuted, and relevant redress mechanisms should be established. Trans sex workers who hold blue ID cards must be permitted to enter registered brothels, which provide a safer working environment for sex workers.

The Turkish Civil Code must be revised to stop arbitrary interventions against the bodies of trans people. The sterilisation requirement must be removed from the Civil Code, and all trans people should have the right to change their gender marker on official documents. The requirements for divorce and diagnosis in order to have access gender-reassignment procedures must be removed from the Civil Code. Any interference in the private lives of trans people must be stopped. The Turkish government must ensure easy, accessible and free trans-specific health-care services for all trans people. Health professionals must be given required trans-specific health-care and non-



discrimination training. Prosecutors and judges must be trained on the needs and sensitivities of trans people in relation to gender-reassignment processes.

The Turkish government must gather data on transphobic hate violence. The police, prosecutors and judges must be trained on the human rights of trans people. Law-enforcement officials must be in continuous dialogue with civil-society organisations that work with trans people.

Social policies must be developed by relevant government bodies in order to respond to the needs of vulnerable trans people, including trans people who are



| The international TVT team meets *sistergirls* in Darwin (Australia), May 2014

HIV positive, trans people who are elderly or have diseases that need special attention, trans people who live in poverty, homeless trans people, trans people who live with disability, trans sex workers, migrant trans people and trans people who use drugs. Social programmes must be created from a holistic and intersectional perspective that will ensure the human rights of all trans people.

VII. Appendix

VII.a Transrespect versus Transphobia Worldwide | Cooperation across continents

The organisations partaking in the presented TvT Survey on the *Social Experiences of Trans and Gender-diverse People* are part of a wider network of activists, researchers and organisations that is grounded in and serves gender-diverse/trans people's movements and activism first and foremost. From 2010 to 2015, TGEU's TvT team worked in cooperation with 23 partner organisations and numerous trans activists and researchers from more than 100 countries in all six world regions and was counselled by an international Advisory Board of more than 25 LGBT, trans, and human-rights experts and researchers, as shown below.

| Partner Organisations of the TvT Project

A Gender Agenda (Australia)
APTN (Asia-Pacific)
ASTRA Rio (Brazil)
Centro de Apoyo a las Identidades Trans A.C. (Mexico)
Diverlex (Venezuela)
GATE (Argentina/USA)
Gender Dynamix (South Africa)
Grupo Gay da Bahia (Brazil)
Labryz Kyrgyzstan (Kyrgyzstan)
LGBT Centre (Mongolia)
LGBT Gayten (Serbia)
Observatorio Ciudadano Trans (Colombia)
Pembe Hayat (Turkey)
PLUS (India)
STRAP (The Philippines)
Red Umbrella (Turkey)
Thai Transgender Alliance (Thailand)
Tonga Leiti Association (Tonga)
Trans China (China)
Transgender Law Center (USA)
TransInterQueer (Germany)
Trans X (Austria)
United and Strong (St. Lucia)

| The TvT Advisory Board from 2010 to 2015 comprised the following members:

Mauro Cabral (Argentina), **Peter Hyundal** (Australia), **Dr Nicolas Beger** (Belgium), **Majorie Marchi**, **Dr Luiz Mott** and **Dr Joseli Maria Silva** (Brazil), **Dr Sam Winter** and **Jiangang Zhao** (China), **Dr Thamar Klein** (Germany), **Agniva Lahiri** and **Shabeena Francis Saveri** (India), **Silvan Agius** (Malta), **Sass Rogando Sasot** (the Netherlands), **Jack Byrne** and **Thomas Hamilton** (New Zealand), **Belissa Andía Pérez** (Peru), **Roger Tootooali Stanley** (Samoa), **Victor Mukasa**, **Jabu Pereira** and **Liesl Theron** (South Africa), **Huya Boonyapisompan** (Thailand), **Joleen Mataele** (Tonga), **Kim Mukasa** (Uganda), **Masen Davis**, **Justus Eisfeld**, **Anna Kirey** and **Dr Susan Stryker** (USA), **Dr Tamara Adrián** (Venezuela)

| There were further collaborations with activists, researchers and/or legal experts from:

Albania, American Samoa, Antigua, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belgium, Belize, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, the Caribbean Netherlands, Chile, Cook Islands, Croatia, Cuba, Cyprus, Denmark, Dominica, East Timor, Estonia, Fiji, Finland, France, Greece, Guam, Haiti, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kiribati, Kosovo, Kyrgyzstan, Latvia, Lithuania, Macedonia, Malaysia, Malta, Mexico, Moldova, Mongolia, Montenegro, Namibia, Nauru, Netherlands, New Caledonia, New Zealand, Niue, Norway, Papua New Guinea, Peru, Philippines, Poland, Portugal, Puerto Rico, Romania, Russia, St. Lucia, St. Kitts, St. Vincent, Samoa, Singapore, Sint Maarten, Slovakia, Slovenia, Solomon Islands, South Africa, South Korea, Spain, Suriname, Sweden, Switzerland, Tahiti, Tajikistan, Thailand, Tokelau, Trinidad and Tobago, Uganda, UK, Ukraine, USA, US Virgin Islands, Uzbekistan, Vietnam, Venezuela and Zambia.

VII. b The TvT Publication Series

In 2010, Transgender Europe initiated the TvT Publication Series to translate important human-rights documents and publish TvT research reports in various languages. The country chapters of the present report will be published in local languages in the subsequent volumes of the TvT publications series. All volumes can be downloaded as PDFs from www.transrespect.org.

Volume 9 | Transrespect versus Transphobia – The Experiences of Trans and Gender-diverse People in Colombia, India, the Philippines, Serbia, Thailand, Tonga, Turkey and Venezuela

Carsten Balzer / Carla LaGata and Jan Simon Hutta (editors), TGEU, September 2015

Volume 8 | Küresel ‘Transfobibye Karşı Trans-Saygi’ – Projes Toplumsal Cinsiyet Farklılığına Sahip Bireylerin / Trans Bireylerin İnsan Hakları Durumunun Karşılaştırmalı İncele

Carsten Balzer ve Jan Simon Hutta (Tamara Adrian, Peter Hyndal ve Susan Stryker’in katkılarıyla...), TGEU, Kasım 2012 (1st TvT report Turkish version)

Volume 7 | Transrespeto versus Transfobia en el Mundo – Un Estudio Comparativo de la Situación de los Derechos Humanos de las personas Trans

Carsten Balzer y Jan Simon Hutta (con Tamara Adrián, Peter Hyndal y Susan Stryker), TGEU, Noviembre 2012 (1st TvT report Spanish version)

Volume 6 | Transrespect versus Transphobia Worldwide – A Comparative Review of the Human-rights Situation of Gender-variant/Trans People

Carsten Balzer and Jan Simon Hutta (with Tamara Adrián, Peter Hyndal and Susan Stryker), TGEU, November 2012 (English version)

Volume 5 | Direitos Humanos e Identidade de Gênero – Relatório Temático

de Thomas Hammarberg, Comissário de Direitos Humanos do Conselho da Europa (Série de Publicações do TvT – Volume 5)

Issue Paper ‘Human Rights and Gender Identity’, Thomas Hammarberg, Council of Europe Commissioner for Human Rights. (Portuguese translation – English original version)

Volume 4 | I Diritti Umani e l’Identità di Genere – Issue Paper

di Thomas Hammarberg, Commissario del Consiglio d’Europa per i Diritti Umani (Pubblicazione per la serie TvT – Volume 4)

Issue Paper ‘Human Rights and Gender Identity’, Thomas Hammarberg, Council of Europe Commissioner for Human Rights. (Italian translation – English original version)

Volume 3 | Tożsamość płciowa a prawa człowieka – Dokument tematyczny

autorstwa Thomasa Hammarberga, Komisarza Praw Człowieka Rady Europy (Publikacje projektu TvT – tom 3)

Issue Paper ‘Human Rights and Gender Identity’, Thomas Hammarberg, Council of Europe Commissioner for Human Rights. (Polish translation – English original version)

Volume 2 | Menschenrechte und Geschlechtsidentität – Themenpapier

von Thomas Hammarberg, Kommissar für Menschenrechte des Europarats (TvT Veröffentlichungsreihe – Band 2)

Issue Paper ‘Human Rights and Gender Identity’, Thomas Hammarberg, Council of Europe Commissioner for Human Rights. (German translation – English original version)

Volume 1 | Derechos humanos e identidad de género – Informe temático

de Thomas Hammarberg, Comisario de Derechos Humanos del Consejo de Europa (Serie de publicaciones de TvT – volumen 1)

Issue Paper ‘Human Rights and Gender Identity’, Thomas Hammarberg, Council of Europe Commissioner for Human Rights. (Spanish translation – English original version)

VII.c About the authors

Dr Brenda Rodriguez Alegre

... completed her bachelor's, master's and doctoral (magna cum laude) degrees in Psychology at the University of Santo Tomas. She is a member of STRAP's Board of Directors. She is also the lead coordinator for the English-speaking members of the Transgender Resource Center in Hong Kong. Dr Alegre is a Resident Tutor at Lap Chee College and an Assistant Lecturer at the University of Hong Kong, where she, perhaps one of the few trans* identifying academics in Hong Kong, teaches Sexuality and Gender. Brenda is also interested in music and singing and performs as a soprano.

Carsten Balzer / Carla LaGata

... has been active in several social movements since the mid-1980s and wrote his PhD thesis on trans communities in Brazil, Germany and the United States. S_he is a founding editor of *Liminalis – Journal for Sex/Gender Emancipation and Resistance* and an Editorial Board member of *Transgender Studies Quarterly* (TSQ). From 2011 to 2012, s_he was a member of the Advisory Committee of the Open Society Foundations' LGBTI Rights Initiative. Carla supported TGEU from its very beginnings and served as a TGEU Steering Committee member from 2008 to 2012. S_he is TGEU's Senior Researcher and initiated the TvT project in 2009.

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... is a University Researcher at the University of the Philippines Population Institute. Ms. Cruz holds a double master's degree, in Business Administration and Demography, from the University of the Philippines Diliman. Her areas of specialisation include fertility, gender and sexuality, adolescent studies and technical demography, including population projections and population aging. Her advocacy work includes membership in various non-government organisations, like STRAP Kababaihan Philippines, Inc. and the Philippine Population Association, where she was formerly an officer. She is currently a member of the Board of Trustees and serves as Treasurer of the Demographic Research and Development Foundation, Inc.

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Rena Janamnuaysook

... is a Thai transgender woman advocating for the health and human rights of transgender people and HIV key populations. She has extensive local, national and international experience in working with HIV and AIDS organisations. Rena provides technical and organisational capacity development support to USAID-funded and GFATM-funded civil society organisations and is a co-founder of the Thai Transgender Alliance (ThaiTGA). She obtained a bachelor's degree in political science from Thammasat University, Thailand and a master's degree in International Public Services from the University of Birmingham, United Kingdom. Rena currently works as a project coordinator with the Thai Red Cross AIDS Research Center.

Kath Khangpiboon

... is one of the co-founders of the Thai Transgender Alliance (ThaiTGA), a national network of transgender activists working to address the unmet needs of Thai transgender communities. She advocates for anti-Transphobia, anti-violence against transgender people and access to healthcare. Kath has represented Thai transgender youth at various international platforms and is an active local board member of the Asia Pacific Transgender Network (APTAN), a regional platform for transgender people to discuss the key issues they face in their communities. Kath received a bachelor's and a master's degree, both in Social Work, from Thammasat University, Thailand.

Joleen Mataele

... from the Kingdom of Tonga is a singer, entertainer and event planner and has five adopted children. Joleen is an active promoter for HIV & AIDS awareness, has been an LGBTIQ activist in Tonga and the South Pacific for 23 years and was the founder of the Miss Galaxy Queen Pageant. She is the President of Tonga Leiti Association (TLA) and the President/Co-Founder of the Pacific Sexual Diversity Network (PSDN). In 1996, she was awarded the Silver Jubilee Medal by His Late Majesty King Taufa'ahau Tupou IV for her humanitarian work with disability and sexual-minority groups. In 2008, she was awarded the Order Of Queen Salote Medal during His Late Majesty King George Tupou V's Coronation for services to the Royal Family.

Kemal Örddek

... is the founder of Red Umbrella Sexual Health and Human Rights Association (Turkey). The organisation has been active in monitoring and documenting violence against transgender people and sex workers in Turkey. It provides legal advice to victims of violence and discrimination and also holds training workshops on access to justice for sex workers, transgender people and MSM. It carries out advocacy actions targeting decision-makers regarding the sexual and reproductive health situation of sex workers, while lobbying relevant authorities for the decriminalisation of sex work.

Kristian Randjelović

..., born in 1973 and based in Belgrade, Serbia, joined Transgender Europe's Steering Committee in 2010. Kristian holds an M.A. for editing TV and movies. He has been working as a trans counsellor and cooperating with the Medical Team in Serbia in order to provide help and support to trans persons for over 15 years. He has systematically developed programmes for trans individuals, including the first trans-support group in the Balkans. Kristian has also contributed to the creation of trans programmes in the ex-Yugoslavia region and participated in the creation of the first trans web site in the region.

Charlese 'Char' Saballe

... is the outgoing Chairwoman of the Society of Transsexual Women of the Philippines (STRAP), the pioneering transgender human-rights advocacy and support organisation for *transpinays*. Charlese is the Philippine project co-coordinator of the Transrespect versus Transphobia (TVT) Project Worldwide, in partnership with Transgender Europe (TGEU). She is also one of the founders of TransAmbassadors Finland and, together with her partner Jaakko Jaskari, is working on a documentary film about trans women. She majored in Statistics at the University of the Philippines and is a Data Analytics professional specialising in data reporting and workforce management.

Jetsada Taesombat

..., a transgender woman or a Thai kathoey, is a human-rights defender, social activist, public speaker, trainer and graphic designer. She co-founded the Thai Transgender Alliance (ThaiTGA) and works as a coordinator. Jetsada is currently working as a programme assistant for the South-east Asian Consortium on Gender, Sexuality, and Health. She holds a bachelor's degree in Social Development and Anthropology from Prince of Songkhla University, Thailand. Jetsada has also served as a commissioner for the Gender Equality Act of Thailand.

Jelena Vidic

..., a psychologist, psychotherapist and activist, currently works with Gayten-LGBT on project coordination, research and the provision of psycho-social support to trans* people. She has been working with people living with HIV/AIDS, sex workers, oncology patients, users of psychiatric services and youth.

VII.d Endnotes

- 1 See Council of Europe Commissioner for Human Rights, *Human Rights and Gender Identity*, issue paper, July 2009, available at <https://wcd.coe.int/ViewDoc.jsp?id=1476365> (last accessed on 15 July 2015).
- 2 *Human Rights and Gender Identity* (op. cit.), p. 44.
- 3 C. Balzer and J.S. Hutta, *Transrespect versus Transphobia Worldwide: A Comparative Review of the Human-rights Situation of Gender-variant/Trans People*, November 2012, p. 5, available at http://www.transrespect-transphobia.org/uploads/downloads/Publications/TvT_research-report.pdf (last accessed on 15 July 2015).
- 4 See www.transrespect-transphobia.org (last accessed on 15 July 2015). Regarding the TMM and Legal Mapping, Radcliffe observed: 'The project's documentation of transphobic violence and mapping of the legal environment for transgender people are unique and provide a clearer picture of the scale of the problem and of the kinds of responses that can help to address it'. See *Transrespect versus Transphobia Worldwide: A Comparative Review of the Human-rights Situation of Gender-variant/Trans People* (op. cit.) p. 5.
- 5 The second phase of the research implemented in Turkey was conducted by Red Umbrella in Turkey.
- 6 See <http://www.stigmaindex.org/> (last accessed on 15 July 2015).
- 7 In West Bengal, only half of the participants answered the question.
- 8 In Serbia, many of the participants stated 'Yugoslavia', which was the name of the country when they were born.
- 9 Because there is no regulation of legal gender recognition in Serbia, the process depends entirely on administrative officers, which means that trans people's requests can be denied without explanation.
- 10 See, e.g. *Americas Quarterly* 'Colombia strikes physical exam requirement for gender change', 2015, available at <http://www.americasquarterly.org/content/colombia-strikes-physical-exam-requirement-gender-change?utm> (last accessed on 15 July 2015).
- 11 See C. Balzer, *Gender Outlaw Triptychon: Selbstbilder und Formen der Selbstorganisation in den Transgender-Subkulturen Rio de Janeiro, New Yorks und Berlins*, PhD thesis, Free University of Berlin, 2007, pp. 132-134, 348-356, 378, available at: http://www.diss.fu-berlin.de/diss/receive/FUDISS_thesis_000000005722 (last accessed on 1 July 2015).
- 12 Here, it must be taken into account that all respondents did not answer this question in all countries.
- 13 Only six of 28 respondents answered the question.
- 14 See www.spc.int/prism/tonga/ and <http://data.un.org/CountryProfile.aspx?crName=Tonga> (last accessed on 1 Feb. 2014).
- 15 Tongan Criminal Offenses Act Section 136 criminalises homosexuality as 'sodomy': 'Whoever shall be convicted of the crime of sodomy with another person or bestiality with any animal shall be liable at the discretion of the Court to be imprisoned for any period not exceeding ten years and such animal shall be killed by a public officer'. See <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/73337/95725/F665862081/TON73337.pdf> (last accessed on 1 May 2015).
- 16 Tongan Criminal Offenses Act Section 81.5 makes it an offence for a male to impersonate a female under certain circumstances: 'Any male person who, whilst soliciting for an immoral purpose, in a public place with intent to deceive any other person as to his true sex, has on or about his person any article intended by him to represent that he is a female or in any other way impersonates or represents himself to be a female shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding \$100 or to imprisonment for a period not exceeding one year or to both such imprisonment and such fine'. See <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/73337/95725/F665862081/TON73337.pdf> (last accessed May 2015).
- 17 See N. Besnier, 'The social production of abjection: Desire and silencing among transgender Tongans', *Social Anthropology*, 2004, Vol. 12.3, pp. 308-309.
- 18 *Transrespect versus Transphobia Worldwide* (op. cit.).
- 19 C. Brewer, 'Baylan, asog, transvestism, and sodomy: Gender, sexuality and the sacred in early colonial Philippines', *Intersections: Gender, History and Culture in the Asian Context*, 1999, Vol. 2, available at <http://intersections.anu.edu.au/issue2/carolyn2.html> (last accessed on 5 Sept. 2014).

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- 21 M. Johnson, *Beauty and Power: Transgendering and Cultural Transformation in the Southern Philippines*, Oxford: Berg, 1997, pp. 26-27.
- 22 See 'Baylan, asog, transvestism, and sodomy' (op. cit.).
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- 24 J.N. Garcia, *Philippine Gay Culture: Binabae, Bakla, Silahis to MSM*, Diliman, Quezon City: University of the Philippines Press, 2008, pp. 14, 23-25, 36, 162-179; B. Alegre, *Toward a Better Understanding of Hormone and Silicone Injection Use and Self-perception of Transgender Women in the Philippines and Hong Kong*, University of Santo Tomas, Manila, 2013, pp. 9, 16; 'Beauty and power' (op.cit.).
- 25 M. Manalansan, *Global Divas: Filipino Gay Men in the Diaspora*, North Carolina: Duke University Press, 2003, pp. 20-25, 101-105; *Philippine Gay Culture* (op. cit.), pp. 46-60; *Toward a Better Understanding of Hormone and Silicone Injection Use and Self-perception of Transgender Women* (op. cit), pp. 8-9, 16-17.
- 26 *Philippine Gay Culture* (op. cit.), pp. 61-80.
- 27 See S. Sasot, 'Our brave new world: A brief history of the birth of the transgender movement in the Philippines', *Outrage Magazine*, 21 Nov. 2012, available at <http://outragemag.com/our-brave-new-world-third-of-five> (last accessed on 5 Sept. 2014).
- 28 Dr Mely Silverio petitioned to have her first name and sex changed on her birth certificate. In October 2007, the Supreme Court ruled that the petition lacked merit on the following grounds: a person's first name cannot be changed on the ground of sex reassignment, no law allows one's designated sex to be changed on one's birth certificate on the ground of sex reassignment and one's first name and sex cannot be changed on a birth certificate on the ground of equity. See *Silverio vs. Republic of the Philippines* G.R. No. 174689, 22 October, 2007, available at <http://sc.judiciary.gov.ph/jurisprudence/2007/october2007/174689.htm> (last accessed on 25 May 2015).
- 29 Barangay are the smallest administrative units in the Philippines, and there are over 42,000 of them in the country.
- 30 Boonpraset, C. (ed.). *Violated Lives: Narratives from LGBTIQs and International Human Rights Law*, Bangkok: Teerarat Kanjanauksorn Foundation; Rainbow Sky Association of Thailand; Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM), 2011, p.45.
- 31 Chai Voradhamo, *Kathoei (Trans) in Monk and Military Conscript on Queer Theory*, Bangkok, Women Gender Sexuality Studies programme, Thammasat University, 2014. <http://www.deklanghong.com/content/2014/10/70> (last accessed on 22 May 2015).
- 32 NHRC, *Evaluative Report of the Human Rights Situation in Thailand, 2004-2007*, Bangkok, National Human Rights Commission of Thailand, 2009, p. 9.
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- 34 R. Kobsirikarn, *The Work of the National Human Rights Commission of Thailand on Human Rights in Relation to Sexual Orientation and Gender Identity*, Thailand country paper for the APF-Komnas HAM Workshop on the Role of NHRIs in the Promotion and Implementation of the Yogyakarta Principles, 5-7 May 2009, Yogyakarta, 2009, p.4.
- 35 *The Royal Thai Government Gazette* 132 session 18, 2015. Gender Equality Act, p.17.
- 36 S. Winter, *Lost in Transition: Transgender People, Rights and HIV Vulnerability in the Asia-Pacific Region*. Bangkok, United Nations Development Programme, 2012, pp.13-15.
- 37 See <http://data.worldbank.org/indicator/SP.POP.TOTL> (last accessed on 27 May 2015).
- 38 See <http://webzrs.stat.gov.rs/WebSite/Public/PublicationView.aspxpKey=41&pLevel=1&pubType=2&pubKey=1586> (last accessed on 27 May 2015).
- 39 See <http://www.novinar.de/2009/08/14/spc-darovi-crkve-hristove-i-za-trans-osobe.html> (last accessed on 27 May 2015).
- 40 P. Selek, *Maskeler, Süvariler, Gaçılar – Ülker Sokak: Bir Alt Kültürün Dışlanma Mekanı*. Ankara: Ayizi Yayınları, 2011, pp. 91-110.
- 41 *Ibid*, pp. 93-94.

- 42 Siyah Pembe Üçgen İzmir Derneği, '80'lerde Lubunya Olmak', İzmir: Siyah Pembe Üçgen İzmir, 2012, p. 12.
- 43 See Ç. Doğan, Dernekten Açlık Grevine ve Buluşmalara 25 Yıl *Bianet*, 28 Feb. 2004, available at <http://bianet.org/bianet/toplum/30182-dernekten-aclik-grevine-ve-bulusmalara-25-yil> (last accessed on 30 May 2015).
- 44 *80'lerde Lubunya Olmak* (op. cit.), p. 18.
- 45 *Maskeler, Süvariler, Gaçılar* (op. cit.), pp. 148-152.
- 46 Lambdaistanbul, 'Eryaman'da Travesti ve Transseksüellere Sistemli Şiddet', *Kaos GL*, 3 May 2006, available at <http://www.kaosgl.com/sayfa.php?id=113> (last accessed on 30 May 2015).
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- 52 K. Ördek, *Violence against Sex Worker Trans Women in Turkey: An Existence Struggle in the Midst of Invisibility and Impunity*, Ankara: Red Umbrella Sexual Health and Human Rights Association, 2014, p. 44.
- 53 See http://www.transrespect-transphobia.org/en_US/tvt-project/tmm-results/idahot-2015.htm (last accessed on 30 May 2015).
- 54 Legal gender recognition is ensured by Article 40 of the Turkish Civil Code.
- 55 This by-law, issued in 1961 by the Turkish Cabinet of Ministers in order to regulate the sex industry, is known as the By-Law on Combatting Sexually Transmitted Diseases and Prostitution. The articles in the by-law are outdated and have been severely criticised by sex workers because they have not been designed with their needs in mind. The text of the by-law is available in Turkish at http://www.ttb.org.tr/mevzuat/index.php?option=com_content&view=article&id=66:genel-kadinlar-ve-genelevler-tabolacaklari-hler-ve-fuhuyden-bulan-zrevhastaliklarla-madele-t&Itemid=31 (last accessed on 30 May 2015).
- 56 In Turkey, men and women have ID cards with different colours. Men are given blue ones and women are given pink ones. This difference makes it very difficult for many trans people to have access to a secure work environment. Many trans women have blue ID cards because they have not undergone SRS, which is a prerequisite for changing one's gender marker in official documents. This fact prevents them from working at registered brothels because only those who have pink ID cards can register to work at brothels.
- 57 C. Balzer and J.S. Hutta, *Transrespect versus Transphobia Worldwide: A Comparative Review of the Human-rights Situation of Gender-variant / Trans People*, November 2012, p. 55, available at http://www.transrespect-transphobia.org/uploads/downloads/Publications/TVT_research-report.pdf (last accessed on 30 May 2015).
- 58 See http://www.transrespect-transphobia.org/en_US/tvt-project/tmm-results/idahot-2014.htm (last accessed on 30 May 2015).
- 59 In April 2014, Çağla Joker (25), a trans sex worker, was shot to death in a flat in Tarlabaşı, İstanbul, where she was doing sex work, by one of her clients. In October 2014, Çingene Gül, another trans sex worker, was murdered in her house. 'Bursa'da Vahşi Travesti Cinayeti', *Life In Bursa*, 24 March 2009, available at <http://www.lifeinbursa.com/haberx/165151/18> (last accessed on 15 May 2015).
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- 62 *Violence against Sex Worker Trans Women in Turkey: An Existence Struggle in the Midst of Invisibility and Impunity* (op. cit.).
- 63 K. Ördek, *Registered Theft in Unregistered Sphere: Administrative Fines as a way of 'Taxing' Trans Sex Workers*, Ankara: Red Umbrella Sexual Health and Human Rights Association, p. 85, available at <http://kirmizisemsiye.org/Dosyalar/KayitsizAlandaKayitliSoygun.pdf> (last accessed on 15 April 2015).

- 64 The Directorates of Security in each city are empowered by the Commissions on Prostitution under the Governor's Office of each city to employ the Law on Misdemeanours to fine trans women who do sex work. The Law on Misdemeanours does not have any articles that are relevant to sex work, but the Commissions on Prostitution authorises the police to employ this law against sex workers.
- 65 *Registered Theft in Unregistered Sphere: Administrative Fines as a Way of 'Taxing' Trans Sex Workers*, (op cit.) p. 47.
- 66 Ibid. p. 32.
- 67 K. Ördök (ed.) in Red Umbrella Sexual Health and Human Rights Association, *Sex Workers Speak Up: We Want Freedom!* Ankara: Ayrıntı Yayıncılık, 2014, pp. 37-38.
- 68 Interview with Mine, 6 October 2014, Istanbul.
- 69 A detailed account of this incident by ILGA-Europe can be found at http://ilga-europe.org/home/news/latest/ilga_europe_statement_on_the_recent_incident_of_police_violence_against_trans_activists_in_ankara (last accessed on 15 April 2015).
- 70 *Transrespect versus Transphobia Worldwide: A Comparative Review of the Human-rights Situation of Gender-variant / Trans People* (op. cit.) p. 56.
- 71 Council of Europe Commissioner for *Human Rights, Human Rights and Gender Identity*, issue paper, July 2009, available at <https://wcd.coe.int/ViewDoc.jsp?id=1476365> (last accessed on 15 April 2015).
- 72 Council of Europe, *CM/Rec(2010)5 – Recommendations to Member States on Measures to Combat Discrimination on the Grounds of Sexual Orientation and Gender Identity*, available at <https://wcd.coe.int/ViewDoc.jsp?id=1606669> (last accessed on 15 April 2015).
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I Leitis at World AIDS Day on December 1st 2014 in Nuku'alofa (Tonga)

I Leitis in front of the Catholic Basilica in Nuku'alofa (Tonga), November 2014



| Notes



A major obstacle in developing concrete steps towards changing the social situation of trans and gender-diverse people is the lack of data.

The present comparative survey on the social experiences of trans and gender-diverse people – which complements the on-going Trans Murder Monitoring and Legal and Social Mapping projects of the TvT research project – tries to address this issue for a small selection of countries, i. e. Colombia, India, the Philippines, Serbia, Thailand, Tonga, Turkey and Venezuela. The survey was implemented in form of a peer research combined with empowerment of local activists and carried out in cooperation with eight partner organizations in Asia, Europe, Oceania, and South America.

The results confirm the experiences of trans activists with empirical data on many issues, including police violence against trans sex workers. At the same time, they reveal blind spots of discrimination and Transphobia, including the situation of trans and gender-diverse children and teenagers.

Transrespect versus Transphobia

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| Edited by Carsten Balzer / Carla LaGata and Jan Simon Hutta

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