Transgender, Transphobia and Marginalization: An overview
Ruman Sutradhar

Research Scholar, Department of Political Science, Assam University, Silchar, Assam

Abstract

Cleavages among social groups are a pertinent feature of any society. Every society has certain groups which can be called dominant and others who are marginalized. Marginalization can be based on caste, class, gender and such other structural elements. Marginalization of the transgenders is based on gender. Transgenders are the third category of gender who are named so because they transgress their gender roles. They are the most neglected part of human society, who at times, are also not considered humans. Despite the legal acceptance of the transgenders as the third genders, people's attitude towards these social groups hasn't changed yet. People could not still come out of the male/female binary conception of gender and accept them as the third gender. This has led to transphobic attitude towards the gender. Transphobia today has become a common feature of most of the countries across the continents, America, Europe or Asia. Under the backdrop, the study has been attempted to provide an overview of the marginalization of the transgenders throughout the countries of the world arising out of transphobia-the hate feelings towards transgenders.

Keywords: Gender, Transgender, Transphobia, Violence, Social Exclusion, Marginalization.

Introduction: "Transgender people experience social exclusion and marginalization because of the way in which they express their gender identity"-remarked the United Nations Programme on HIV/AIDS (UNAIDS) in the opening sentence of its report on the transgenders, entitled *Transgender people* (2014). Such a remark has, in fact, been made by most of the authors, researchers and organizations including, Agius & Tobler (2012), Cameron (2012), Greene (2015), McIlroy (2009) and Stryker (2008) who worked on the issues relating to the transgenders. Most of the studies suggest that transgenders face discrimination at different times and spheres of society ranging from identity to health. For instance, the UNAIDS (2014) came up with certain issues mostly faced by the transgenders due to their sex. These issues includes "Family rejection and violation of the right to education and employment; violence, criminalization and transphobia; lack of recognition of gender identity; and discrimination in health systems" (UNAIDS, 2014, p. 3). Similar results has also been found by the National Center for Transgender Equality and the

National Gay and Lesbian Task Force (2011), who in their joint research on transgender discrimination entitled *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* observed that,

> "Transgender and gender non-conforming people face injustice at every turn: in childhood homes, in school systems that promise to shelter and educate, in harsh and exclusionary workplaces, at the grocery store, the hotel front desk, in doctors' offices and emergency rooms, before judges and at the hands of landlords, police officers, health care workers and other service providers" (p. 2).

While this has been observed from a study conducted on the American continent, studies conducted in Europe also observed things as such. For instance, in a study conducted by Mcllroy (2009) in Ireland, it has been found that,

> "Trans people face various forms of social, economic, cultural and legal injustices and are subject to shaming harassment, discrimination and violence while simultaneously being denied legal rights and equal protections-clear, fundamental denials of recognition" (p. 4).

That is, transgender and gender non-conforming people face discrimination at every sphere of state and society which clearly shoes that roads of social justice have been closed for these marginalized groups which on one hand, leads to the social exclusion, economic inequality and political marginalization of the group; and on the other, 'affects their self perception' (UNAIDS, 2014).

Objectives of the study

1) To describe the forms of abuses faced by the transgenders.
2) To understand how the transgenders are subjected to psychological violence.
3) To understand how transphobia leads to transgender vulnerability.

Research Methodology: The study has been conducted by analyzing reports on crimes against transgenders conducted by the United Nations as well as various non-governmental organizations.

Who are the transgenders?

Trans or transgender is a "political" terminology used to refer to "individuals whose gender expression and/or gender identity differs from conventional expectations based on the physical sex they were assigned at birth" (European Commission, 2012; Raymond, 1996; Quinn, 2010, p. 24). Trans is a comprehensive term which comprises of a number of "deviant gender identities and/or gender expression" (Quinn, 2010). A large number of gender identities comes under the framework of 'trans identity' which includes the "transsexuals, transgender, transvestite, gender queers, androgyne, polygender, agender, cross dressers, drag queens, drag kings" along with various "indigenous expressions like muxe, hijra and kothi" (Agnius & Tobler, 2012; Quinn 2010, p. 24). The term transgender has been coined in the U.S. (Whittle et al., 2007, p. 6). According to Joan V, "A

transgendered person has a gender identity which does not match their anatomical sex. A person with a female body and a male gender identity is transgendered[1]".

Marginalization of the Transgenders: Understanding the impact of Transphobia: Transgenders are subject to violence throughout the world which may range from verbal abuse to physical violence upto killing, sexual violence and/or psychological violence, all of which are the results of transphobia (hate feelings towards transgenders) and marginalization (process by which individual/groups are pushed to the margins of society). Transphobia "exclude, marginalize and discriminate" (McIlroy, 2009, p. 4) against trans people throughout the world, triggered by abuses, hate crimes, violence and killings.

a) Abuses: Verbal, Physical and Sexual: Transgender and gender non-conforming people face harassment in different forms due to transphobia. In a study conducted on the transgenders of New York, it has been found that '71% of female-to-male transgenders faced verbal abuse and 17% experienced physical abuse; 87% of male-to-female transgenders faced verbal abuse, 36% faced physical abuse and 16% faced sexual abuse' (as cited in UNAIDS, 2014, p. 5). Unlike this particular study, which focus basically on one state of the U.S., the joint study conducted by the National Center for Transgender Equality and the National Gay and Lesbian Task Force in 2011 revealed statistics of violence in all the 50 states of the United States of America. The study revealed that an overall proportion of 61% of the individuals faced physical assault and 64% were the victims of sexual assault (p. 2) in American society. More specifically, 64-65% of the victims reported physical/or sexual violence at work and 63-78% reported physical/or sexual violence at different grades in schools (Haas et al., 2014, p. 2). When it comes to law enforcement agencies, 60% reported physical assault by law enforcement officers and 70% reported sexual assault by such officers (Haas et al., 2014, p. 2); while 16% of the people reported physical assault and 15% reported sexual assault in prison (p. 13). This shows the picture of the United States-one of the foremost developed countries of the world also referred by many as a superpower.

In Ireland, a European country, 55% of the trans people faced verbal abuse and 45% faced either physical and/or both physical and verbal abuse (as cited in McIlroy, 2009, p. 18). According to Stephen Whittle, Lewis Turner & Maryam Al-Alami (2007), 73% of the trans people in the United Kingdom faced harassment in public places (p. 16), which may include verbal, physical or sexual. Despite the legal legislations, trans people also face 'threats in public space' the percentage of which stands at 10% (as cited in McIlroy, 2009, p. 22). In a study entitled *Transphobic Hate Crimes in the European Union* (2009), it has been found that trans women face more harassment when compared to trans men. First of its kind in the European Union member states, the study also reveals that 79% of trans people

---

[1] See Joan V. (n.d.). *Transgenderism*. Retrieved June 27, 2017, from
http://www.ict.griffith.edu.au/joan/ts/ts.pdf.

faced 'harassment in public' area, of which 44% reported 'unsolicited comments', 27% reported verbal abuse, 15% reported threats and 7% reported physical abuse. The report further states that- "Greek, German and British/UK respondents reported the highest levels of verbal abuse (25%); English respondents reported the highest levels of physical abuse (7%) and French respondents reported the highest level of sexual abuse (3%)" (as cited in Agius & Tobler, 2012, p. 20). Specifically in London, the proportion of verbal abuse and harassment faced by the trans women and gender non-conforming women was found to be 94% (Agius & Tobler, 2012, p. 21).

Alike the Western countries, violence and discrimination against the transgenders and gender non-conforming populations has also been prevalent in the Asian continent. Studies conducted by the United Nations Development Programme (UNDP) under the initiative, *Being LGBT in Asia* (2014), reveal the picture of sexual and gender minorities in these countries. The studies show that among all the gender non conforming communities, transgender women are the most discriminated. As has been stated in the Indonesia Country Report (2014), "most discrimination is directed at transgender women, who face challenges with stable employment, prejudice, housing and identity cards, both in obtaining them and in that they do not indicate their chosen gender" (p. 9). The Thailand Country Report (2014) also opines of similar discrimination which is mostly in getting an 'employment' due to which the transgenders are bound to work in limited areas like "hospitality, entertainment or the sex work industry" (p. 8). Sou Sotheavy, the first transgender who reported of sexual violence against the Khmer regime in Cambodia spoke of how she was forced to do sex work in these words-

> "We were all starving, as there was a lack of food. That was the time that I started to offer sex in exchange for rice. Sometimes I was forced to have sex. Once I was ordered to go and wait in the place where they interrogated the prisoners. I saw pincers for pulling nails, pins for piercing nails, hammers. I saw everything. After sitting for a while, they asked me to go through into the other room. I was shocked that there was the head of the prison sitting there. He asked me to do a massage for him and I did. In the evening, I was called again and did a massage again. That time I performed sex. He said, 'Don't let anyone know. If they know, we both will die. You need to keep it secret'. But a guard had spied on us and he asked me to have sex with him as well.
> When I said I didn't want to, he said he would tell the Khmer Rouge officials to kill both of us. So I did it for him. One day I was raped by 10 soldiers"(Yim, 2015, p. 19).

Sotheavy is not the only transgender who experienced sexual violence, in fact, there exist millions of Sotheavy in Asia and in the world who are stigmatized due to their being transgenders. Experiences may be different, ways of violence may be different, the oppressors may be from different social groups; but transgenders throughout the world, faced and are still facing discrimination, violence and hate crimes. This, however, do not

happen to the "gender-conforming lesbians and gay men who can avoid discrimination by being closeted" (Indonesia Country report, 2014, p. 9). The transgenders who cannot "easily hide their identities", thus, "confront explicit discrimination" in every sphere of life (Nepal Country Report, 2014, p. 10).

b) Rejection, Psychological violence and Suicide: While statistics on verbal, physical and sexual violence on the trans people worldwide has been discussed, a high rate of psychological violence have also been reported by the transgender and gender non-conforming people throughout the world. On one side, harassment leaves deep scars on the minds of this vulnerable group; on the other side, social rejection and social exclusion adds to their extreme psychological pressure and trauma. A few extracts in the words of the victims themselves from the study conducted by Whittle et al. (2007) shows how police harassment and torture pushed the trans woman towards committing suicide.

> "..they don't listen to me explaining over and over again my gender status … Was asked to disclose if pre or post-op before being searched. They were informed I was pre op by 3rd party and searched by 2 men. I was so traumatised by this search and the comments that when released I went to Beachyhead to commit suicide" (p. 55).

The deep trauma that the trans woman received from police, left no desire for her to live and she went to commit suicide. As to the trauma caused by socio-cultural exclusion, one of the respondents replied that she was excluded from being part of a socio-religious organization. In her own words- "Asked to leave church. – have been told that 'people wouldn't understand and would feel uncomfortable if I attended" (Whittle et al., 2007, p. 70). Such exclusionary activities, be it in the form of police harassment or social rejection happen mostly when the trans community choose to go for transition. As has been revealed in Whittle et al. (2007), "37% are excluded from family events …and 20% felt informally excluded from their local community and neighbourhood since their transition" (p. 17).

Social exclusion, after or before transition, have a deep impact on the individuals/groups who are excluded from socio-cultural, economic and political aspects. The severeness of exclusion can be better understood from the UNAIDS report (2014), according to which "social exclusion affects self-perception and sense of worth" (p. 5) of the individuals. The report continued that this, in turn, "contributes to depression, anxiety, drug and alcohol use, self-harm and suicide" (p. 5). Of all these outcomes, attempting or committing suicide is something from which one can understand the levels of rejection and exclusion. In the United States of America, a "staggering rate of 41% of respondents reported attempting suicide" (National Center for Transgender Equality & the National Gay and Lesbian Task Force, 2011, p. 2). According to Ann P. Haas (2014), Senior Director of Education and Prevention at the American Foundation for Suicide Prevention; Philip L. Rodgers, Evaluation Scientist with the American Foundation for Suicide Prevention; and Jody L. Herman, Manager of Transgender Research at the Williams Institute, the highest rate of suicidal attempts (50%) has been found among those transgender or gender non conforming people who disclosed their gender identity to everyone. Unlike the native Americans (only

Whites), 56% of the American Indians and Alaska natives attempted suicide in North America. Along the lines of race, the second highest number has been found among mixed races (54%), followed by the Blacks (44%), Hispanic (44%), Asians (39%) and Whites (38%) (p. 7).

Conclusion: Statistical figure shows that transgender and gender non-conforming people are not only discriminated but are also vulnerable to severe crimes not excluding hate killings, most of which still goes unreported. Such violence not only violates the human rights of an individual but also shows disrespect for their gender identity as well as privacy. Despite the legal acceptance and non-discriminatory laws, people in a number of countries have transphobic attitude and discrimination in almost all areas of life. In instances, employment discrimination has also pushed them to sex work. Besides, a huge number of trans people also find no confidence in state enforcement institutions like police due to the discriminatory attitude and harassment they face with police. This is not only prevalent in Western countries, even Asia also witness such instances. Vulnerability of these marginalized social groups that arises out of transphobia- the hate feelings towards the trans people goes against the principles of equality and justice, which are the basic guiding principle of any democracy. Hence, it is very essential that such transphobic attitude is changed so that the trans people are not denied their basic human rights and come out of their state of marginalization.

References:

1) Agnius, S. & Tobler, C. (2012). *Trans and Intersex people: Discrimination on the grounds of sex, gender identity and gender expression*. Luxemborg. European Commission. Retrieved June 27, 2017, from http://ec.europa.eu/justice/discrimination/files/trans_and_intersex_people_web3_en.pdf

2) Antjoule, N. (2016). *The Hate Crime Report 2016: Homophobia, Biphobia and Transphobia in the U.K.* United Kingdom: Galop.

3) Birchoff, A. (n.d.). *Passing the test: The Transgender Body and Identity*. Retrieved June 27, 2017, from https://pages.wustl.edu/files/pages/imce/migration/bischoff_alison.pdf.

4) Grant et al. (2011). *Injustice at Every Turn: A Report of The National Transgender Discrimination Survey*. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force. Retrieved June 27, 2017, from http://endtransdiscrimination.org/PDFs/NTDS_Report.pdf

5) Haas, A.P., Rodgers, P.L., & Herman, J.L. (2014). *Suicide Attempts among Transgender and Gender Non-Conforming Adults: Findings of the National Transgender Discrimination Survey*. New York & Los Angeles: U.S.A. American Foundation for Suicide Prevention & The Williams Institute. Retrieved June 27, 2017, from

https://williamsinstitute.law.ucla.edu/wp-content/uploads/AFSP-Williams-Suicide-Report-Final.pdf

6) Joan V. (n.d.). *Transgenderism*. Retrieved June 27, 2017, from http://www.ict.griffith.edu.au/joan/ts/ts.pdf.

7) Mcllroy, C. (2009). *Transphobia in Ireland: Research Report*. Ireland. Transgender Equality Network Ireland. Retrieved June 27, 2017, from http://www.teni.ie/attachments/32be2895-2307-4bf5-9b90-5ffceb9f62be.PDF

8) National Center for Transgender Equality (2009). *Understanding Transgender*. Massachusetts Avenue NW: Washington DC. Retrieved November 23, 2016, from https://static1.squarespace.com/static/566c7f0c2399a3bdabb57553/t/566ca7bddf40f3a7317efadc/1449961405065/2009-NCTE-Understanding-Transgender-FAQ-Factsheet.pdf.

9) National Center for Transgender Equality. (January 2014). *Transgender Terminology*. Massachusetts Avenue NW: Washington DC. Retrieved November 23, 2016, from http://www.transequality.org/sites/default/files/docs/resources/TransTerminology_2014.pdf

10) Quinn, S. (2010). *An activists Guide to Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity*. Yogyakarta: Indonesia. Retrieved February 6, 2017, from http://www.ypinaction.org/wp/wpcontent/uploads/2016/10/Activists_Guide_English_nov_14_2010.pdf

11) UNAIDS (2014). *Transgender People*. Geneva, Switzerland. Retrieved June 27, 2017, from http://www.unaids.org/sites/default/files/media_asset/08_Transgenderpeople.pdf.

12) UNDP & USAID (2014a). Being LGBT in Asia: Nepal Country Report, Bangkok. https://www.usaid.gov/sites/default/files/documents/1861/Being_LGBT_in_Asia_Nepal_Country_Report.pdf

13) UNDP & USAID (2014b). Being LGBT in Asia: Indonesia Country Report, Bangkok. Retrieved June 27, 2017, from http://www.asiapacific.undp.org/content/dam/rbap/docs/Research%20&%20Publications/hiv_aids/rbap-hhd-2014-blia-indonesia-country-report-english.pdf

14) UNDP & USAID (2014c). Being LGBT in Asia: Thailand Country Report, Bangkok. Retrieved June 27, 2017, from https://www.usaid.gov/sites/default/files/documents/1861/Being_LGBT_in_Asia_Thailand_Country_Report.pdf

15) Whittle, S., Turner, L. & Al-Alami, M. (2007). *Engendered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination*. London, United Kingdom: Equalities Review.