

Transgender Rights: Achieving True Equality

As we begin this discussion on transgender rights and equality, let us remember the words of American activist and leader, Marsha P. Johnson: "No pride for some of us without liberation for all of us."

I. Introduction

Ladies and gentlemen, distinguished guests, and dear friends. I am honored to be speaking with you today about one of the most pressing issues of our time: the struggle for transgender rights.

Transgender people have always been a part of our societies, but they have often been invisible, marginalized, and subjected to discrimination and violence. It is time for us to recognize their rights, protect their dignity, and work towards a more just and equal society.

II. Defining Transgender

Before we dive deeper into the issue, let us first define what we mean by transgender. Transgender is an umbrella term that includes people whose gender identity or expression differs from the sex assigned to them at birth. This can include people who identify as male, female, neither, nor a combination of genders.

It is important to note that transgender people are not a new phenomenon. They have existed throughout history and across cultures. However, the language and concepts used to describe and understand transgender people have evolved over time. Today, we understand that gender is not binary, but rather exists on a spectrum.

III. Challenges Faced by Transgender People

Despite this broader understanding of gender, transgender people continue to face immense challenges. Discrimination and violence against transgender people are pervasive across the world. According to a report by the National Center for Transgender Equality in the United States, nearly one in three transgender people have experienced homelessness, one in three have been denied medical care, and one in ten have been physically attacked at work.

This violence and discrimination often lead to the exclusion of transgender people from society, including in education, employment, healthcare, and other basic services. This exclusion has serious consequences for the well-being and mental health of transgender people.

IV. The Struggle for Transgender Rights

The fight for transgender rights has been a long and arduous one. It has been marked by both successes and setbacks. In recent years, we have seen significant progress in many parts of the world.

One of the most significant milestones in the fight for transgender rights was the **Stonewall riots in New York City in 1969**. The riots were a series of spontaneous, violent demonstrations by members of the LGBTQ+ community against a police raid that took place at the Stonewall Inn, a gay bar in Greenwich Village. The riots marked a turning point in the LGBTQ+ rights movement and are widely regarded as the beginning of the modern LGBTQ+ rights movement.

Since then, there have been many other milestones in the struggle for transgender rights. In 2004, the **International Classification of Diseases (ICD)** recognized gender dysphoria, a condition in which a person's gender identity does not align with the sex assigned to them at birth, as a medical condition. This recognition helped destigmatize transgender people and opened the door to medical treatment for gender dysphoria.

In the same year, **Argentina** became the first country in the world to allow transgender people to change their legal gender without the need for surgery or hormone therapy. This was a major victory for transgender rights and set an example for other countries to follow.

In 2012, the **United Nations** adopted a resolution recognizing the human rights of LGBT people. This was a significant milestone in the fight for transgender rights, as it helped elevate the issue to an international level.

In the **United States**, the Obama administration took significant steps towards protecting transgender rights. In 2016, the **Department of Education** issued guidelines requiring schools to allow transgender students to use the bathroom that corresponds with their gender identity. This

was a significant victory for transgender students, who had been subjected to discrimination and harassment in schools.

V. Transgender Rights in India

In **India**, the transgender community has long faced discrimination and marginalization. For decades, transgender individuals in India have struggled to gain recognition and acceptance, with many forced into the fringes of society due to societal stigma and discrimination.

However, in 2014, India's Supreme Court issued a landmark ruling recognizing transgender individuals as a third gender, granting them legal recognition and protections under the law. The ruling paved the way for greater inclusion and protection of the transgender community, including access to healthcare, education, and employment.

In 2019, the **Transgender Persons (Protection of Rights) Act** was enacted to further protect the rights of transgender individuals. The law guarantees transgender individuals the right to self-identification, prohibits discrimination in education and employment, and provides for legal recourse in cases of discrimination or violence.

However, the law has faced criticism from some transgender activists who argue that it fails to adequately address the challenges faced by the community, including lack of access to healthcare and education and discrimination in housing and public accommodations.

Additionally, some state-level laws in India, such as **Section 377** of the Indian Penal Code, have historically been used to criminalize same-sex relations and have also been used to target transgender individuals.

National Legal Services Authority v. Union of India (2014): In this landmark case, the Supreme Court of India recognized transgender people as a "third gender" and directed the government to provide them with equal rights and protections under the law. The court also called for the creation of a transgender welfare board and for transgender people to be included in government affirmative action programs.

Anjali Gopalan v. Union of India (2014): In this case, the Supreme Court of India held that transgender people are entitled to the same rights and protections as other marginalized groups under India's affirmative action policies.

Navtej Singh Johar v. Union of India (2018): In this case, the Supreme Court of India struck down a colonial-era law that criminalized consensual same-sex relations, stating that it violated the fundamental rights to equality, non-discrimination, and privacy.

S. Swapna v. Government of Telangana (2020): In this case, the Telangana High Court directed the state government to recognize and protect the rights of transgender people, including by providing them with separate public toilets, establishing a welfare board, and ensuring their participation in public life.

Reshma Prasad v. Union of India (2021): In this case, the Delhi High Court directed the government to ensure the inclusion of transgender people in the National Register of Citizens, which is a database of Indian citizens.

These cases represent significant progress in protecting the rights of transgender people in India, but there is still much work to be done to ensure full equality and inclusion.

VI. Examples of Transgender Rights Violations

Despite the existence of laws and policies protecting transgender rights, violations of these rights still occur around the world. In many countries, transgender individuals face high levels of discrimination, harassment, and violence.

In some cases, these violations are carried out by the state itself, with police and other government officials engaging in discriminatory practices and violence against transgender individuals. In other cases, violations are carried out by private individuals or groups, with transgender individuals facing harassment and violence in their communities and workplaces.

One particularly egregious example of transgender rights violations occurred during the COVID-19 pandemic in **Ecuador**. In May 2020, reports emerged of police officers in the city of Guayaquil detaining transgender individuals who were out in public during a curfew and subjecting them to verbal and physical abuse. The incident sparked widespread outrage, with human rights groups calling for an investigation into the police officers responsible.

Similarly, in Malaysia, transgender individuals have faced ongoing harassment and violence, including being targeted by police and vigilante groups. In 2018, a transgender woman was

brutally beaten by a group of men in Kuala Lumpur, sparking protests and calls for greater protections for the transgender community.

In India, transgender individuals also face high levels of violence and discrimination, with many experiencing harassment, assault, and exclusion from society. In 2020, a transgender woman was brutally beaten and killed in Tamil Nadu, sparking outrage and calls for justice for the victim and for greater protections for the transgender community.

VII. Laws Supporting Transgender Rights

Fortunately, there have been many laws and court rulings in recent years that have recognized and protected the rights of transgender individuals. In the United States, Title VII of the Civil Rights Act of 1964 was amended by the Supreme Court in 2020 to include protections for LGBTQ individuals, including transgender people, in the workplace. Additionally, in 2015, the U.S. Department of Education issued guidelines to protect transgender students from discrimination in schools. Many other countries have also passed laws protecting transgender rights, such as Canada's Gender Identity and Expression Protections Act.

In India, the Transgender Persons (Protection of Rights) Act was passed in 2019, which recognizes transgender people as a third gender and protects them from discrimination in employment, education, healthcare, and other areas. The act also provides for the creation of welfare boards to address issues faced by transgender individuals, as well as the establishment of a national transgender rights commission. While the act has been criticized by some activists for not going far enough in its protections, it is a significant step forward in recognizing and affirming transgender rights in India.

VIII. The Laxmi Narayan Tripathy Case

The Laxmi Narayan Tripathy case, also known as the Lasa case, was a landmark decision in India's transgender rights movement. In 2006, Laxmi, a well-known transgender activist, filed a public interest litigation seeking recognition of transgender people as a third gender and the creation of welfare programs for them. In 2014, the Supreme Court issued a landmark ruling recognizing transgender people as a third gender, stating that they have the right to self-identification and should be granted legal recognition of their gender identity.

The Lasa case was a significant milestone in the struggle for transgender rights in India, and it paved the way for the Transgender Persons (Protection of Rights) Act that was passed in 2019.

IX. Conclusion

In conclusion, the fight for transgender rights is an ongoing struggle that requires the support of allies and activists around the world. Transgender individuals face discrimination, harassment, and violence in many aspects of their lives, and it is our duty as a society to work towards creating a more inclusive and accepting world for everyone, regardless of their gender identity.

We can start by educating ourselves and others about the experiences of transgender individuals, supporting transgender-led organizations, and advocating for policies that protect their rights. We must also continue to push for greater recognition and protection of transgender rights under the law, both in India and around the world.

As we work towards a more just and equitable society, let us remember the words of Marsha P. Johnson: "No pride for some of us without liberation for all of us." Let us commit ourselves to the fight for transgender liberation and work towards a future where all individuals are valued and respected for who they are.

As individuals, we can all take steps to support transgender rights, such as advocating for more inclusive policies and legislation, standing up against discrimination and harassment, and supporting transgender individuals and organizations in our communities.

As Harvey Milk, one of the first openly gay politicians in the United States, once said, "Rights are won only by those who make their voices heard." Let us all use our voices to advocate for the rights and dignity of transgender individuals, and work towards a world where all people can live free from discrimination and oppression.