

COMMISSION ON THE STATUS OF WOMEN







LETTER FROM THE SECRETARY-GENERAL

Highly esteemed participants,

I am Hüseyin Hikmet Fındık, a junior student at TED University, under the department of Computer Engineering. I proudly would like to welcome you all to the TEDUMUN Training and Development Conference 2021, which we all believe that it will lead a lot of new beginnings. While thinking about a training and development conference, it is impossible not to refer what annoys us in real life. There is no doubt that day by day, 21st century shows us the value of equality, democracy, justice, and every democratic norm that we deeply needed for peaceful communities. In the Turkey of 21st century, it is obvious that we are stumbling at every single one of those values. These values create the environment that makes us happy, peaceful. It has been hard, sad, and desperate for us to see every single democratic norm to be violated one by one, every day, right in front of our eyes.

When he first stepped into Havza, Samsun, while everything around was worse than ever, Mustafa Kemal Ataturk said "They do not want to kill us, they want to put us into the grave alive. We are now at the edge of the pit. One last tenacity can save us.". When the hope ends, tenacity begins. Today is the day to show that tenacity to build a better society, to build a better Turkey, and to build a better world. In this road, we believe that we need every single piece of idea to ensure the rights of every single one of us.

I am so happy that I had a chance to work with such a lovely, hardworking, brilliant person, Rozerin Irmak, to create this committee with this topic, Recognition and Visibility of Transgender Women. While creating a well-prepared academic document, Rozerin also wrote down every single piece of event/problem that created big damages in the hearts of societies of the 21st century. I hope that you, the delegates, can understand the vulnerability of the topic and come up with ideas that will lead us to better futures. That was our only aim while creating this committee, I hope it finds the right hearths from right perspectives.

Sincerely. Hüseyin Hikmet Fındık

Secretary-General of TEDUTRAIN'21

LETTER FROM THE UNDER-SECRETARY-GENERAL

Highly esteemed participants,

I am Rozerin Irmak and I am currently a senior student at TED University in the Architecture Department. You are all welcome to TEDUTRAIN'21. It is a great pleasure to serve you as Under-Secretary-General at the UN Commission on the Status of Women committee with this very vulnerable topic.

The CSW is a committee that works for promoting rights of the women and shaping global standards on gender equality. In this conference, we are going to discuss the equality of transgender women. Unfortunately, transgender women are a minority even in the gender equality war. This year, in TEDUTRAIN'21, we aimed to raise awareness for transgender women and take attention to their position in our daily life.

Finally, I want to thank our Secretary-General Mr. Hüseyin Hikmet Fındık for trusting me and letting me be part of this precious conference. In addition to that, I would like to thank Berfin Eroğlu for her contribution to this study guide. If you have any questions related to the committee or study guide, please do not hesitate to contact me via rozerin.irmak@tedu.edu.tr.

Rozerin Irmak

Under-Secretary-General
responsible for the UN Commission
on the Status of Women

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A. Committee Information

1. What should be the approach throughout the solution?

While finding solutions for the problems of transgender women regarding visibility and recognition, human rights should have been considered all the time and the 20th clause of the 2030 Agenda of Sustainable Development should have been the guideline. Transgender women are also women and goals that have been set in the 2030 Agenda are valid for them that include education, health access, political leadership, etc.

2. How should state relationships be?

State relations in the committee must consider the courtesy rules and diplomatic attitude. So, none of the countries are allowed to involve any internal affairs of other countries. Even though the United Nations are in favor of the full recognition of trans people, countries must be aware of the policies of their countries. There are still several countries that are trying to narrow the definition of gender identity into the biological sex and there are some others who take religion as a reference in their internal affairs. So, each delegate must be aware of the policy of their own country, and they should state their positions without violating any human rights of transgender people.

3. What is Transgender?

Due to clarify what transgender is, the difference between sex and gender must be clarified first. People are born with certain features such as sex chromosomes, hormones, and internal productive systems that inform whether that person is male, female, or intersex. The correct way to address these biological attributes is biological sex.

Sex only refers to the biological side while gender refers to the cultural and social understandings that are layered on top of biology. To understand the concept of transgender people, the layered understanding of gender must have been analyzed. Society approaches the idea of gender in a specific way; they consider some rules, manners, activities, trades, and opportunities appropriate for women and men while considering some behaviors and actions as unsuitable, therefore *gender* refers to this understanding. Gender interacts with, but is different from, the binary categories of biological sex.

Transgender is an umbrella term that referred to people whose gender identity does not match with the sex that is assigned at birth. *Gender identity* refers to one's understanding of how one relates to the gender binary, and the internal sense of an individual of being a woman, man, transgender, or none of the other gender identities. Since gender identity is internal it has no boundaries like biological sex or gender, and it does not necessarily have to be visible to others.^{iv}

Just like gender identity, there is another term that is more than just a basic idea, *non-binary*. Non-binary people can be seen as someone whose gender does not fall within these social binaries^v. This means someone who defines themselves as a non-binary individual does not necessarily have to look like male or female, just like they do not have to define themselves as male or female for certain. Being a non-binary person is like living outside the box off certain traits and exceptions that society force you to have (looking masculine, wearing makeup, or physically fit one group). vi

A similar but different term from non-binary is *gender non-conforming*. The term refers to people who do not behave in the ways of society or whose gender expression does not fit precisely into a category. Gender non-conforming people do not feel obligated to follow the accepted views of their gender about dress and activities. A gender-nonconforming person may choose to present as neither clearly male, nor clearly female, but rather as a gender-free individual.

An individual sense of self as a sexual being including gender identity, gender role, sexual orientation, and sexual self-concept is called *sexual identity*. Sexual identity may also refer to the language and labels people use to define themselves. It refers to one's assessment of his or her identity.

Biological sex has limited options: male, female, or intersex. Therefore, at birth biological features of someone determine if they are men or women. (In this scenario, intersex people also cannot be represented fully but this is another topic to be discussed.) However, while growing up and experiencing new aspects of life, one may want to identify themselves differently than how they look. Sometimes people do not feel comfortable in their designated sex at birth, and the term for these individuals whose gender identity and/or gender expression differs from those associated with their assigned sex is *transgender* viii. When the sex of a person assigned at birth is male but whose gender identity is female, the term for that person is a *transgender woman*, even though many trans women identify themselves as a woman because they do see themselves as a woman rather than an individual who changed sex. Also, a transgender woman does not necessarily have to look feminine in every aspect. There

is a common deception about transgender individuals who should have surgically changed their sex, but this is a choice and there are many transgender women who choose not to since they feel like women with or without physical attributes and it is enough to identify them as women.

Being *feminine* would show that you are a woman and being *masculine* would show that you are a man in the past, but it is a changing situation in today's world. As a basic example, a woman can have a masculine style, but this does not indicate that she is a man. With the same perspective, a man can have a feminine way of talking according to his acquaintances, but it does not mean he is a woman. Currently, there are no boundaries between the feminine and masculine look and act. However, there are some general definitions for these terms by societies. Even with the general definitions of *masculinity* and *femininity*, the way of describing these traits can change from a person to person. Generally, by societies femininity have some traits such as being emotional, being vulnerable, being humble, and being collaborative while the traits of masculinity are being dominant, being strong, being independent, and being brave.^x/^{xi}

All feminine traits are associated with women whereas the masculine trades are associated with men but there is no gender for femininity and masculinity. It is the society that linked those words with one gender. Just like there are women who are in control, strong and dominant in workplaces and this does not make them men, seeing a man cry does not show that he is a woman. Masculinity and femininity are not traits associated what gender but instead they are depending on the character of people. Xii

a) Blending Phase

For many transgender women, the passing process (changing sex) is an important part of both recognition and visibility. Since the gender identity of transgender people does not match with their birth sex, sometimes because of the legislation and sometimes because of the cultural background, people do not recognize their declared gender. For example, when a person with a male body comes out as a transgender woman, not everyone recognizes her as a woman. In this term, the passing process takes an important role in the life of transgender people (see: Feminism and Transgender Woman Relation part for further explanation). On the other hand, the blending process takes time and meanwhile, transgender people cannot have conventional gender expression. At this point, the visibility of transgender people in life at any medium is important (see: Importance of Visibility for further explanation). Xiii

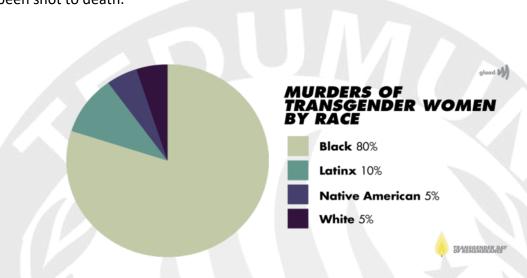
Transgender people mostly blend for not feeling insecure, or to avoid mistreatment and discrimination. An Ipsos research indicates that transgenders who have been blended have significantly better living standards than the ones who choose not to. The risk of facing harassment and mental struggle while walking on the street as a transgender who has not had any kind of surgery is extremely high rather than blended transgender women.xiv

According to the research of Ipsos, 30% of people in the world are not aware of the harsh treatments against transgender people in their society. Several transgender women choose to transition somewhere they can do it in secret. In other words, a transgender person appears to be a cisgender -someone whose gender identity is the

same sex as the physical body they identified as at birth. The reason behind keeping the birth identity secret is the potentially harmful situations faced by trans people, so those who were able to pass often prefer to remain stealthy. It is not that they are ashamed to be transgender, but they simply are acting wisely to protect themselves bodily, economically, and potentially in many other ways.**

There are some actions against transgender women, which are not and should not be an oversight. According to the HRC, in 2015 more transgender people were killed in the first six months of the year than in all of 2014. In 2017, at least 25 transgender people have been killed in the United States which 84% of them were people of color and 80% were women, and more than three in four were under the age of 35.xvi In 2018, advocates reported at least 26 deaths of transgender people in the U.S. as a result of lethal force, most of which were transgender Black women. These victims were killed by family members, partners, and strangers some of whom were arrested and charged, while others have yet to be named. Some of those cases involve a clear bias toward transgender, and in others, the transgender status of the victim may have put them in danger in other ways such as forcing them into unemployment, homelessness, poverty, and/or sex work for survival. While the details of these crimes differ, it is obvious that deadly abuse impacts transgender women of color disproportionately and that the intersections of racism, sexism, homophobia, biphobia, transphobia, and unrestricted access to firearms conspire to deprive them of jobs, housing, medical services, and other resources, creating the barriers that make them vulnerable.xvii

A big amount of these cases related to transgender people often go unreported or misreported, and that is why there is not a specific estimation about the number of victims. In 2019, at least 26 transgender or gender non-conforming people got killed by wild means or shot to death, and since 2020 started, at least one transgender has been shot to death.



(Figure 1: Murders of Transgender Women by Race)

That is why most of the time these surgeries have been done by transgender women to be able to walk on the street easily, not feeling social anxieties, depression, self-imposed isolation, or for being sure that their loved ones do not face physical struggle and discrimination because they do not look as straight to the rest of the community.

People are going under a series of operations such as facial surgery, mammoplasty, long hours of electrolysis, vocal surgery, voice training, and gender confirmation surgery which will cost a lot for a person. Even though transgender people did not choose this life, insurance policies rarely pay for these procedures in very limited regions.*

b. Transphobia

Transphobia is the fear, hatred, ignorance, disbelief, or distrust against transgender people. This type of hatred can take many forms such as negative attitudes, prejudice, and unfounded fear against transgender people, and it also leads to bullying, abuse, and violence. It keeps many transgender people from speaking out or identifying themselves.

Based on socialization theory, transphobia can be learned firstly from the family, then from the environment that someone lives in. The reason behind the irrational fear against a transgender person can be this knowledge transferred from the family since opinions expressed in the raising style create a transphobic society. The problem starts when society overlooks transphobia since it sends the message that anyone who tries on any expression or identity that does not conform to social expectations of their sex will be ridiculed, silenced, economically marginalized, assaulted, or even killed. Surveys indicate that roughly 50% of transgender people report experiences of sexual violence or assault. Apart from the overt effects of transphobia, there are some inner outcomes for transgender people. The fear and stress they feel can cause depression, isolation from society, and even suicide.

However, the biggest outcome of transphobia is hate crimes. A hate crime is when someone commits a crime against another person because of any disability they may have, their race or religion, their sexual orientation, or their gender identity. The victims are not always members of the targeted group, they might also just be perceived to be an ally of the aimed group.**/*x*i



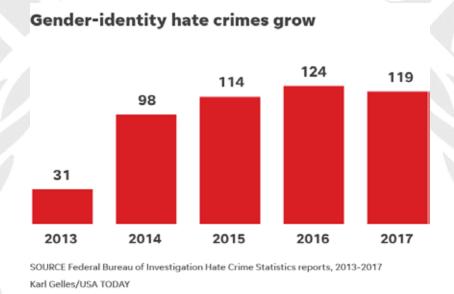
(Figure 2: Reported Transphobic Incidents) xxiii

Also, hate crimes do not always include physical violence. Using offensive language or bullying someone can also be referred to as a hate crime. Name-calling, posting offensive content online, and cyberbullying are the most common examples of non-physical hate crimes. In 2019, Brandwatch and Ditch the Label conducted research together about online transphobia, and they analyzed 10 million online posts over a three-and-a-half-year period by uncovering 1.5 million transphobic comments^{xxiii}. Their research reads those larger websites like Twitter and Instagram had the lowest ratio of abuse to a general discussion around trans issues, suggesting that people are using these platforms to spark a conversation and educate. ^{xxiv}

In 2018, Stonewall UK posted an article about hate crimes against transgender people, and according to the report, 41% of trans people have experienced hate crime because of their gender identity in 2017. Trans people experience abuse in places that many would presume were safe, such as the workplace, and the research shows that 12% of

trans employees have been physically attacked by a colleague or customer in the previous year.xxv

Also, the reporting of hate crimes against trans people is extremely low, and approximately 79% of trans people do not report hate crimes to the police. Some trans people do not feel supported by the police force, and some experience even further unfairness if they do report a crime.



(Figure 3: Gender-identity Hate Crimes Through the Years)

The police forces are not the only ones who overlook these hate crimes, the media also do not let transgender people speak up. The article by Stonewall reveals that how to media treat hate crimes and violence against trans people is no doubt a contributing factor to how willing trans people or to talk about the violence they face. The murder of trans people often receives slight coverage, and if the victim is black or from another ethnic minority group, their death is also less likely to be reported by mainstream titles.

Also, even though the media write about trans people affected by violence, most of the time the coverage is likely to be harmful and offensive.

c. Hande Kader

In August 2016, a transgender woman and advocator of LGBTQ rights named Hande Kader was brutally murdered for a hate crime. She was becoming known by people after her confrontation with the police in the 2015 Istanbul Pride Walk.xxvi

Hande Kader was a sex worker, and she was last seen in the first week of August 2016 right before she got into the car of a client in Harbiye. Nobody heard from her afterward, and as a result of her friends going to the police, her body was found on a roadside on August 8th, 2016. Her death was vicious, she was raped and burnt, and it was a result of hate crime since she was murdered just for who she was. After her death, lots of campaigns have started again transphobic hate crimes, but her death was not spoken as much as the death of a cisgender would. **xxviii*

According to the data of the Trans Europe, most transgender murders happen in Turkey, and in the world, Brazil is considered the most dangerous country. The report published by the Trans Europe in 2016 begins with the following sentence: "There's no safe place for trans people in this world". xxviii

B. Historical Background

Since before the 1800s transgender people have faced racism, discrimination, and violence. One of the biggest reasons for inequality and violence faced by transgender

individuals is the lack of public understanding since societies act on something they do not know most of the time.xxix

In 1885, the United Kingdom was where the first constitutional discrimination against transgender people began. The United Kingdom adopted the Criminal Law Act, which declared any homosexual activity prohibited, and during this time, similar laws were introduced throughout Europe. People who wore cross-dressing were easy subjects of the legislation as they were associated in the mind of the public with homosexual culture, and it has begun to target transgender individuals. People from the past believed that being transgender meant having a mental illness, or something that could be cured, and because of these opinions, people have been arrested for being transgender or forced into mental institutions.***X** Also, due to ignorance and cultural assumptions, transgender deaths began to increase for years.

1. History of Transgender People (focusing on women)

Since 1972 ability to legally change gender markers has been possible in Sweden, and Sweden became the first country in the world to introduce a formal option in law to be assigned with a new legal gender. Correcting the gender was only allowed with the condition of meeting several sub-conditions such as the person must be a Swedish citizen, he or she should be older than 18, unmarried or having divorce if required, and have to live for two years of opposites gender. In 2007, the law was re-evaluated, proposing removals of the requirements to be a Swedish citizen, unmarried, and sterilized. In 2013, the requirement to be sterilized before one can legally correct their gender, and the obligation to undergo sex reassignment surgery were lifted and are no

longer part of the law. It is important to note that, sterilization had been part of the law since 1972, and is thought to have been used on 500 transgender people.xxxi

First Transgender Woman

The first known person to undergo complete male-to-female gender reassignment surgery was Dora Richter. She was one of many transgender patients of Magnus Hirschfeld, a sex research pioneer at Berlin's Institute for Sexual Research. Her birth name was Rudolf Richter, and she was born to a poor family. In her early childhood, she displayed a tendency to act and carry on in a feminine way as the people around her referred. She enjoyed feminine clothes and behaviors. At an early age, she started using the name Dora and began wearing women's clothing and presenting as female. She was working under her birth name as a male during the summer season, but she was living as a female for the rest of the year. She was arrested multiple times for cross-dressing until a judge releases her from prison into the care of Magnus Hirschfeld. With special permission from the police to wear women's clothing, she worked with other transgender people at the Institute for sexual research. In 1922, she underwent her first surgery, and by the 1930s her transition was completed.

2. Past Actions of the UN

Significant acts on transgender people had done by various organizations of the UN such as the United Nations Human Rights Council (UNHRC), and Social Humanitarian and Cultural Committee (SOCHUM). As an example, on June 17, 2011, the United Nations Human Rights Council has passed a resolution on human rights violations based on sexual orientation and gender identity, following this development, in 2014,

Brazil, Chile, Colombia, and Uruguay lead on a follow-up resolution at the UNHRC. And with the topics of human rights, sexual orientation, and gender identity, this second resolution passed.xxxiv

Also, the European Court of Human Rights ruled that requiring sterilization for legal gender recognition violates human rights in 2017, and all member states of the Council of Europe must bring their legislation and practice into line with this new legal principle.**

C. Importance of Recognition

1. Bureaucratic Barriers to Recognition

When a baby comes to earth, the state gives an ID which includes the gender information; woman or man depends on the sexual identity of the individual. But for transgender people, legal gender and their gender identity do not match, and this may cause several problems such as social exclusion, violent acts, poor health service, housing issues, and unemployment. Having only two options as either male or female, and woman or man does not include women who have a male body or men who have a female body, and this causes the situation of the non-existence of transgender people. As a solution, trans people are forced to use documentation or ID that does not align with their existence or spend a lot of time and money to alter their legal documents. Both options (using non-aligned documentation or altering records) do not avoid stigma, discrimination, or violence against trans people. **ExXXVI**

Argentina laws allow individuals to update their ID and governmental documents without having any surgery or mental health diagnosis, but many countries do not let

this happen, and trans people had to fight for their new ID to be recognized legally. XXXXVIII States do not let them identify themselves but force them to be approved by a judge or doctor. For example, in US trans people are forced to have gender reassignment surgery which some people are not in favor of, and some cannot afford the costs. These surgeries are not only very expensive in terms of money but also have lots of health issues afterward. XXXXVIII After having required documents from doctors and approvals of judges, trans people can have their new ID to be recognized in their society. According to the United Nations Health Agency, since 30 May 2019, "gender identity disorder" is not a mental disorder, and the Classification of Diseases (ICD-11) has reclassified it as "gender incongruence", but still not all the countries, even member states, alter their understanding of transgender accordingly. XXXIX

While trans people have pleasant news from United Nations bodies, some countries such as United Arab Emirates, Indonesia, Nigeria, Saudi Arabia, South Sudan, Malaysia, and Lebanon criminalize all LGBT actions. Besides same-sex intercourse, according to Human Dignity Trust, 15 Jurisdictions criminalize transgender people. Related countries claim that "cross-dressing", "impersonation" and "disguise" is a crime or against the social order or human nature. Consequences of coming out as a transgender person can go for the death penalty by stoning. xl

a. Public Restroom Debates

According to Lambda Legal, the health community declared that for the mental health of transgender people, they should live their life according to who they are, and public restrooms are part of this life. Restroom choice of transgender people is a very popular

discussion in gender non-conforming areas, and solutions that can be offered are based on the recognition of transgenders by the society besides the government. xli

Transgender people ask for a life where they can choose their bathroom without any stigma, but at the moment they get out of the restroom, they may face lots of reactions from the restroom goers, store/cafe owners, mall securities, etc.... Again, according to Lambda Legal, the most frequent thing that people ask is: "Isn't it create an environment for cisgender women to have a unisex public bathroom?". The answer is, no document, record, or evidence shows gender-segregated restrooms are safer for women, and the fact is transgender women are more vulnerable and a target for any kind of harassment regardless of the location.

3. Trump Administration Against Transgender People

At the beginning of 2018, the Department of Health and Human Services' Office of Civil Rights opened a "Conscience and Religious Freedom Division" that will promote discrimination by health care providers who can cite religious or moral reasons for denying care. Nine months later, the New York Times reported that the Department of Health and Human Services proposed in a memo under Title IX¹, which would redetermine the lawful definition of sex and leave transgender people vulnerable to discrimination. Proposed memo safeguards that Title IX cannot be used to argue against discrimination based on transgender status or sexual orientation. According to the memo, in the event of a disagreement about the sex of a person, the dispute would be

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¹ Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

resolved based on genetic testing.xiii With this memo, the Trump administration was considering preventing the government from recognizing the identities of transgender people by narrowing the definition of sex. The proposal would effectively erase the transgender community from all government records and deny civil rights protections from discrimination since it suggests that gender should be defined as an unchangeable condition by birth, and it should be determined by one's genitalia at birth.xiii

The former head of the Office for Civil Rights, who assisted while writing the guidance of the Obama administration on the recognition of transgender people, Catherine Lhamon stated: "This takes a position that what the medical community understands about their patients — what people understand about themselves — is irrelevant because the government disagrees."xliv

4. Transgender People in Jail

Situation of transgender women in prison is one of the major issues that transgender advocates fight for since abuse of transgender people and violence by the prison staff or their inmates is very common. According to the United States Transgender Survey, trans people are ten times likely to be assaulted by their inmates compared to their counterparts.*

There are some states that regulate their law so that, prisoners are put into jail according to their confirmed gender but not to the birth sex. California is one of them, and there are several concerns in the assembly according to the article of Madeleine Kearns in the National Review. Especially radical feminist groups of the assembly opposed this situation because they think "The door would be open for sexual predators"

of various types, from voyeurs to rapists, to reinvent themselves as female by taking on female names and identities."xlvi (see: Feminism and Transgender Women Relation).

Also, special treatment and health issue of transgender people continues in the prison since they need to continue their hormone treatments or other medical treatments regarding to gender *dysphoria*², because the other scenario may lead to suicide cases or harder times for inmates, prisoner, and the staff. Some countries do not even have any legislations regarding the gender dysphoria issue, and the ones who have rules about it are inadequate in terms of applying it.

D. Sex Workers and Health Problems



(Figure 4) xlvii

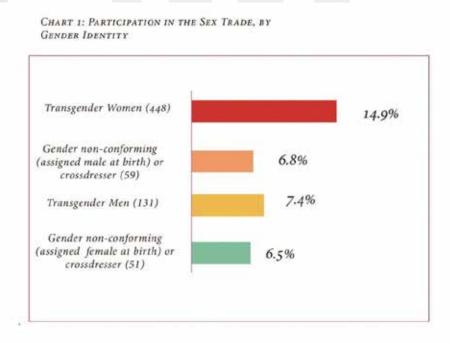
Trans people face lots of discrimination and social exclusion because of their gender identity. This exclusion may happen in several ways; the rejection of family,

² Gender dysphoria is a medical condition marked by clinical significant distress or impairment associated with the incongruence between an individual's gender identity and the gender they were assigned at birth.

transphobia that is followed by physical, sexual, or psychological violence, criminalizing, and lack of gender recognition.

Lack of legal recognition of transgender people and inadequate legislation regarding protecting transgender rights exclude transgender people from proper education, proper health service, or employment. According to the research of the National Center for Transgender Equality (NCTE), people who came out during the school years, experience a high level of violence, discrimination, harassment, and trauma. Therefore, 26% of the participants of the research, leave their schools due to harassment.

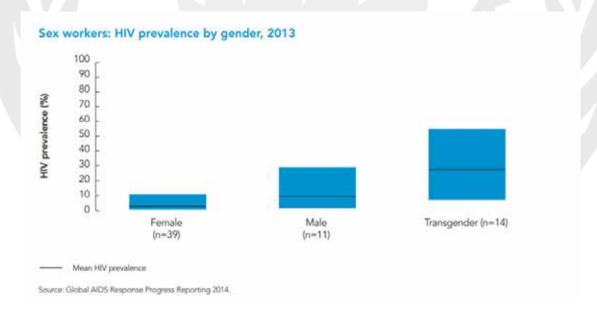
Socially excluded, uneducated, unemployed transgender people, somehow forced to be sex workers. The graphic that is shown in *Figure 5* highlights that how transgender women are dramatic takes place in the sex trade compared to others.



(Figure 5: Participation in the Sex Trade, by Gender Identity)

Again, according to the research of NCTE, 69.3% of the sex workers and %44.7 of the non-sex worker participants reported that in their conventional jobs (other than sex trade), they experienced discrimination because of anti-trans biased employers or colleagues.

Because of the aforementioned problems, the trans women who ended up in the sex trade most likely to be infected by HIV than other transgender or cisgender women. In addition to this, because of the problems regarding anti-trans biased doctors or lack of legal recognition, trans people cannot take proper health services to detect or fight HIV. According to the report of UNAIDS, the HIV prevalence of transgender women is 27.3%, while this value is 14.7% for transgender people who do not involve in the sex trade. Also, in *Figure 6*, it can be observed that HIV prevalence of transgender sex workers are nine times more than cisgender women sex workers, and three times higher than cisgender men sex workers



. (Figure 6: HIV Prevalence by Gender)

E. Feminism and Transgender Women Relation

Feminism is "the radical notion that women are people" as Maria Shear has stated in her review of the Feminist Dictionary. Even though feminism can be summarized as the equality of women and men, there are several trends in feminist theories as well. In these theories, reformist feminists believe that gender inequality can be eliminated through legislative or electoral reforms without the need to alter the capitalist system itself. In addition to this, radical feminists see male psychology and biology as the root of women's oppression. With this attitude, radical feminist sees transgender women as male bodies, so that they think that they should be away from women facilities such as public restrooms or women inclusive organizations**

I From this discussion, the term Trans Exclusionary Radical Feminism (TERF) became a topic to be discussed since it leads to discrimination towards transwomen.

Since second-wave feminism in 1970, trans people seem suffered from hatred, discrimination, and violence because of feminism. Janice Raymond is a lesbian feminist activist who is working to end discrimination and violence against women and she has been stated in her book "The Transsexual Empire: The Making of the He-She" that, "All transsexuals rape women's bodies by reducing the real female form to an artifact, appropriating the body for themselves." Iii

F. Importance of Visibility

The process of blending for transgender people requires certain visibility no matter if they wanted to be or not. This process might be devastating for the individual and cause violence, harassment, and discrimination. With the proposal of Rachel Crandall, every year 31st of March has been celebrated as Trans Visibility Day, and on this day,

trans people had the opportunity to share their experiences and create an environment for solidarity. Also, with the visibility act of the transgender people and activists, awareness of people against the problems of transgender people raises. There are some countries that do not criminalize transgenders or LGBTQ society, but they made their recognition struggles invisible to others so that people cannot search for their rights in public opinion. Turkish transgender activist Demhat describes transgender visibility in her speech regarding Transgender Visibility Day as: "Hiding from the society felts like I am betraying my body. Being visible means that 'I am here, get used to this!'"

1. Transgender Women in Refugee Camps

Crisis times or unconventional areas of life are hard for everyone, but it is even harder for minorities. When they are invisible in society, no one hears their voices or considers their human rights, and refugee camps can be considered as examples. In 2016, there was a pressing need for governments around the world to provide better protection for LGBTQ refugees who face extreme levels of sexual and gender-based violence at every single stage of their journey. Most of the transgender refugees do not leave their country willingly, according to their stories they are somehow forced to do it, or they choose it as their last resort due to fear of death, and they left their places of origin with the hope of having a better life under the roof of another country. However, throughout their journey and even after the journey ends, they face extreme violence and sexual harassment because of the identity they choose. Iiv

Refugees and migrants in transit are at high risk of abuse including violence and human trafficking. Women and LGBTQ individuals face specific threats such as sexual harassment, rape, and other forms of gender-based violence. These women who left their country because of the violence and sexual harassment they faced for their identity, face the same difficulties during their journey for safety, and at their end destination. Therefore, the need for safe and legal routes is an urgent requirement that can no longer be overlooked.\(^{\mathbb{l}\varphi}\)

Aside from the difficulties they faced during their journey, transgender women face many complications and safety issues while they are in refugee camps. They not only fear other refugees in the camps, but police officers in these camps who harass transgender women, and even ask for money from them. While these officers are responsible for protecting the refugees inside the campground in the first place, they became one of the threats, which makes the fear even bigger.

Also, about these pressing needs of LGBTQ refugees, as Acting Director of the Gender, Sexuality and Identity Program at Amnesty International, Catherine Murphy mentioned: "Imagine living in a refugee camp where you are too scared to go the toilet or being subjected to sexual harassment on a daily basis in your host community because of your gender or identity. This is the terrifying reality for hundreds of thousands of women and girls and LGBTQ refugees around the world, and the shameful inaction of wealthy governments is prolonging it.".

2. Negative Impacts of Hypervisibility

With the increasing visibility of transgender people, public opinion starts to recognize them, in other words, awareness regarding the existence of transgender people increased. On the other hand, not every awareness ended up accepting the existence of transgender people. According to BBC news, in 2017 hate crimes against transgender people increased by 45%. Vi Accordingly, Hyper visibility turns out as a violation of the privacy of transgender people. When a person becomes hypervisible about the gender expression or identity, invasive questions such as surgical status of the individual, or former name becomes a major problem since these questions become a tool for violence or harassment for the individual mentally. Viii

3. Flaws of Visibility Acts

In the past twenty years, there is a remarkable awareness regarding transgender people. Media products, either social media or mass media, have a huge impact on transgender visibility. Movies and TV series are playing a huge role in transgender visibility but meanwhile, they are creating stereotypes created. For example, movies The Crying Game (1992), Ace Ventura: Pet Detective (1994), and Transamerica (2005) were very popular in the late 1990s and early 2000s, but they are also criticized by transgender scholars. As a common problem, these movies were the assumptions of non-transgender culture producers, so that they were reflecting heteronormative perspectives on gender.

G. Country Policies

a) Lebanon

The existing laws of Lebanon refuse to recognize transgenders and criminalize them. Lebanon's Penal Code 1943, Article 534 Sexual Intercourse Against Nature mentions that "Any sexual intercourse against nature is punished with up to one year of imprisonment.". In the same Penal Code, Article 521 reads that "Any man who disguises himself as a woman and enters a place specifically for women only or a place in which anyone aside from women is prohibited from entering may be jailed for no more than 6 months" loviii.

b) Argentina

In Argentina, to be able to be recognized as another gender other than the assigned gender at birth, individuals must be minimum of 18 years old. Article 4 of the Gender Identity Law of Argentina states that "In no case will it be needed to prove that a surgical procedure for total or partial genital reassignment, hormonal therapies or any other psychological or medical treatment has taken place." Iix.

c) Japan

In the law of Japan, even though the process of legal identification by the state has many obstacles there is no criminalization against any LGBTQ group. Japanese law obliges trans individuals to undergo medical exams and irreversible operations. Also, approximately 15 years ago the GID Act was enacted, and it gives trans individuals the to legally change their gender. However, the act is very restrictive, and transgenders must submit to dangerous sterilization surgery, and they must fit some criteria such as

being older than 20 years old, being unmarried, and not having children under the age of $20.^{\mbox{\scriptsize lx}}$

d) South Sudan

In South Sudan, being transgender is seen as a crime, and Section 379 criminalizes any male person who dresses or is attired in the fashion of a woman in public, with a penalty of up to three months imprisonment and a possible fine. In 2017, Gathoth Gatkuoth Hothnyang, public service and human resources development minister, stated: "the government would order security forces to arrest LGBTI persons and detain them until they procreate.".\text{!xi}

e) Germany

Gender marker change is possible without prohibitive requirements in Germany under some conditions, and the applicant must have the conviction that they are transgender and that their gender identity does not correspond to the sex on their birth certificate. They also must be living according to that for at least three years. Also, in terms of the restrictions, the applicant must be German since a stateless person or refugee residing in Germany might be from another country that does not permit it. lxiii

f) Spain

Change of gender is possible in Spain and, any person of legal age and capacity can request a change of gender, in addition to the change of name.

Points Should be Discussed

i. What is the definition of transgender women?

- ii. What is the difference between gender identity, gender expression, and biological sex?
- iii. How can the problems regarding the passing surgery of transgender women can be solved in the international area?
- iv. What can be the possible UN action due to end the hate crimes against trans gender people?
- v. How can transphobia and anti-trans bias actions can be ended up?
- vi. What is the role of the UN Commission on the Status of Women and the other United Nations bodies in the process of decriminalization of gender identity and gender expression?
- vii. How can the legal recognition process of trans gender people can be solved?
- viii. How should the UN Commission on the Status of Women approach the public restroom debate?
- ix. What should be the role of the UN Commission on the Status of Women to sustain health service for transgender women in the sex trade regarding HIV and other STDs?
- x. What is the role of feminists in the transgender recognition process?
- xi. What are the possible solutions regarding the negative side effects of transgender visibility?

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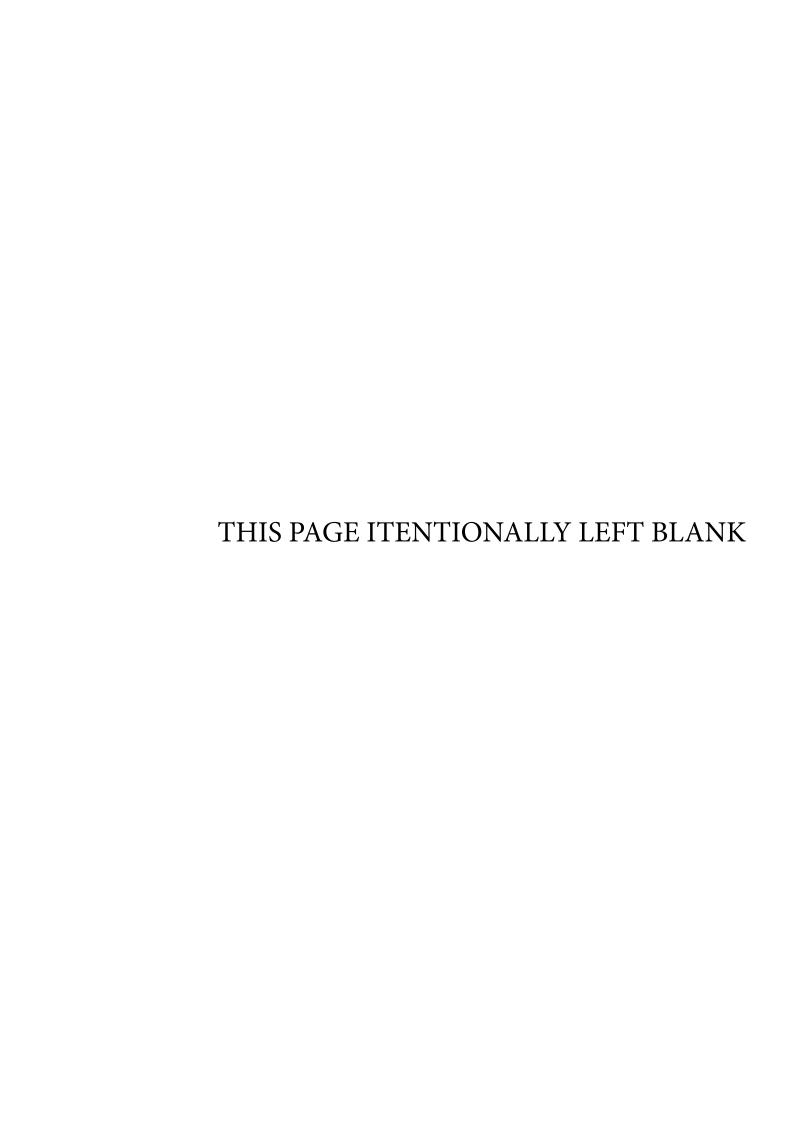
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