

## **Issues in which Transgender People Face Discrimination and Harassment**

### Safely Attending School

Various issues come up for transgender students in our nation's public schools, including the ability to attend school, to express themselves consistently with their gender identity, to be treated fairly in classes, and to use the restroom facilities that match their gender identity and gender presentation. Problems also arise because transgender students are often harassed by school officials when they present themselves consistently with their gender identity. There have even been situations in which school officials have failed to protect transgender students from the bias of other students, even when they know it to be a dangerous situation.

### Finding and Keeping Jobs

Unemployment and under-employment are huge issues for transgender people—and particularly for transsexual people who often lose their jobs during or after their gender transitions. Transgender people who transition after working somewhere for an extended period of time often encounter blatant discrimination from people who do not understand or accept them. Later, when looking for a new job, they may run into the same trouble with potential new employers who find out that they've transitioned. At least one in five transgender people surveyed report experiencing employment discrimination. In six studies conducted between 1996 and 2006, 20 to 57 percent of transgender respondents said they experienced employment discrimination, including being fired, denied a promotion or harassed. Though even more difficult to measure, transgender people also face incredible barriers as job applicants.

### Locating Housing and Public Accommodations

Discrimination in housing and places of public accommodation is also a large problem for transgender people. While a transgender person is in the process of transitioning, he or she may be evicted, or forced to leave home because a family member does not understand or accept the process. Landlords may not want to rent to a transgender person. The results can lead to homelessness and the additional problem of discrimination in sex-segregated homeless shelters.

### Receiving Access to Businesses and Services

Access to businesses and services can also be a problem for transgender people. The owners, managers, or employees of stores, restaurants, and bars, for example, may ask transgender people to leave so they don't upset the other customers, or due to fear of violence against the transgender customers.

### Using Public Restrooms

Although using public restrooms can be uncomfortable for many people, most people take reasonable access to restroom facilities for granted. However, transgender people often face the additional burden of being confronted or questioned about which gender's restroom they should use. Fear of harassment in public restrooms can make the everyday lives of transgender people extremely stressful. For example, a "masculine" female employee may feel so uncomfortable using the female restroom in her work area that she might plan her entire day—such as when to take meals, when and how much to drink—around using a more private restroom further away, or perhaps even in another building. Such distractions and mental effort around a basic physiological need as using a restroom is unnecessary and hurts employees' productivity.

### Obtaining Health Care

Regular medical care by an informed, sensitive physician is central to the lives of many transgender people, especially transitioning transsexuals. Most transsexuals undergo hormone therapy and/or sex-reassignment surgery. Both procedures have potential complications and associated risks. It is thus imperative that they be supervised by a physician familiar with transgender care. Too often, transgender people, especially those with low incomes, obtain unprescribed hormones that may not have sufficient medical safeguards. Due to discrimination, both in health insurance and in access to basic care, it is difficult for many transgender people to get appropriate treatment. The exclusion of transsexualism from health insurance policies is a serious problem that exists nationwide. Coverage is usually explicitly excluded for treatment related to transsexualism, even though the claim would be paid if the exact same treatment or procedure were utilized for some other medical reason. For example, testosterone therapy will be paid for by insurance policies if a non-transgender man has a low level of the hormone, but a transsexual man who uses the same hormone as part of his medically supervised gender transition would not be covered. As a result, transgender people must often pay out-of-pocket—for lifelong needs, such as hormone therapy, or for expensive one-time costs, such as sex-reassignment surgery—even when medical experts deem them necessary. Transgender people may also face

discrimination from medical professionals in the provision of basic health care. Doctors who are ignorant of or hostile to transgender people may fail to ask the right questions when seeing a patient about medical issues seemingly unrelated to any treatment of transsexualism. Some physicians are unwilling to see transgender patients at all, expressing a fear that their presence in the waiting room may disturb other patients.

#### Securing Legal Documents Consistent with their Gender Identity

Obtaining a legal change of sex and new identity documents are critical for many transsexual people. When people undergo a gender transition, they may need to get birth certificates, passports, Social Security cards, drivers' licenses and other identity documents that reflect that transition. Otherwise, they can encounter problems, invasive questions and even discrimination and violence when traveling, and any other time it is necessary to present identification. This is especially important in an era of heightened security concerns, as even minor inconsistencies between a transgender person's appearance and his or her identity documents and travel information could unfairly label him or her as a security risk.

#### Staying Safe in their Homes and Communities

Hate violence against transgender people appears to be epidemic, with hardly a month going by without another story of a transgender person who was beaten up, raped or killed. Furthermore, there is no way to know for certain how many hate crimes are committed against transgender people because statistics are not collected on these incidents of violence. Crimes against transgender people are under-investigated and under-prosecuted by local, state and federal law enforcement officials. This seems to be particularly true for especially marginalized transgender people, such as those who are poor, young, immigrants, or people of color.

#### Having their Relationships Respected and Protected

Transgender people must also struggle with having their relationships respected and protected, especially in relationships where one of the partners has transitioned. In some cases, a marriage where one person has changed gender has been found to be a marriage between a same-sex couple and, therefore, impermissible under state law.

#### Maintaining Parental Rights

Transgender parents face tremendous discrimination and bias, particularly in custody and visitation cases. Judges may place restrictions on parental access or even go so far as to terminate a transgender person's parental rights. In addition, transgender individuals and couples that include transgender partners may face hostility and even legal impediments when trying to adopt children. If a transgender individual is legally considered to be of the same sex as his or her partner, state laws barring gay and lesbian individuals or unmarried couples from adopting may be applied.

#### Being Treated Fairly and Humanely in the Criminal Justice System

Because housing and employment discrimination leave many transgender people with few income-generating options, some turn to sex work or other criminalized activities. Transgender people may also be the target of harassment and selective prosecution by law enforcement. As a result, the transgender community tends to be overrepresented in the criminal justice system. The first problem transgender people face upon incarceration is the segregation of prison facilities by sex. It is left to individual prison officials to decide with which sex a transgender inmate should be housed. More often than not, this decision is based on the assigned sex at birth. For example, a male-to-female transsexual who has undergone hormone therapy and sex-reassignment surgery may nonetheless be placed with an all-male prison population. Such misassignment can lead to the serious problem of hate violence against transgender inmates. Prisoners who do not conform to the gender norms of the prison's population face the risk of verbal harassment, physical violence and sexual assault. Bias on the part of correctional officials can range from simply looking the other way to actively participating in attacks on transgender prisoners. While many facilities segregate transgender inmates to protect them from violence, the separation may not provide sufficient security, and it may also impose unfair isolation and restrictions on transgender prisoners under the guise of safety. Another significant problem faced especially by transsexual prisoners involves access to medical treatment. While most courts have found that hormone therapy must be continued at pre-incarceration levels, few correctional facilities will readily allow a transgender inmate to begin such therapy after he or she is imprisoned. Furthermore, no prison system currently allows inmates to undergo sexual reassignment surgery, which is critical to some transsexuals in successfully transitioning genders. Prison officials who may wish to provide adequate care for transgender patients can also face hostility from legislators and the public.