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# Transgender

Everyone has a deep-rooted sense of their own gender. For most people, their gender identity will match the sex recorded on their birth certificate when they were born. But for some, their assigned sex isn't true to who they really are. This is often referred to as being trans or transgender. It can also have other names, often with deep cultural and historical roots, such as hijra, third gender, two-spirit, travesti, fa'afafine, transpinay, transpinoy, muxe, waria and meti.

Gender identity is different from sexual orientation (see the factsheet [Frequently Asked Questions](#)). Trans people may have any sexual orientation, including heterosexual, homosexual, bisexual and asexual. An intersex person – that is, someone born with sex characteristics that don't fit typical binary notions of male or female bodies – may also identify as transgender.

Many trans people wish to have their preferred name and gender legally recognized and reflected on official identity documents. Many also change their physical appearance, including the way they dress, in order to affirm or express their gender identity. Some trans people – although not all – undertake gender-affirming surgery and/or hormone therapy.

Trans people in all parts of the world are at heightened risk of violence, harassment and discrimination. Human rights violations range from bullying and verbal abuse, to denial of healthcare, education, work and housing, to criminalization, arbitrary arrest and detention, violence, assault, torture, rape and murder. Exposure to these and related abuses may be further exacerbated by other factors, such as age, ethnicity, occupation, socio-economic class and disability.

## Transphobic murder, violence and torture

While lack of disaggregated records by national authorities makes it difficult to track the true extent of violence, reports suggest that thousands of trans people are killed or badly injured in hate-motivated attacks every year. The Trans Murder Monitoring project documented more than 2,982 murders in 72 countries between 2008 and 2018, equivalent to a killing every two days. The National Coalition of Anti-Violence Programs reported 27 murders of trans individuals in the United States in 2017 – of which 22 were trans women of colour. The United Nations has documented particularly brutal attacks against trans women, and against trans people in detention.

A survey by the European Union Fundamental Rights Agency found that a third of the trans people taking part reported attacks or threats of violence in the past five years, with most having experienced such incidents several times a year. The survey also found a clear link between negative attitudes, hate speech, violence and discrimination.

## Criminalization

In at least eight countries, so-called “cross-dressing” is explicitly criminalized. In many more, other vaguely worded laws are used to arrest and prosecute transgender people. Many authorities refuse to recognise the gender identity of trans people and assume that they are gay or lesbian. As a result, trans people often face arrest

and harassment in countries that criminalize consensual same-sex relations, regardless of their actual sexual orientation. Trans people may also face arrest and harassment on the basis of laws criminalizing sex workers.

## Discrimination

Trans people experience widespread discrimination and stigma in the health sector, schools, employment and housing, as well as in accessing bathrooms. Discrimination on the basis of gender identity is illegal under international human rights law.



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## Recognition of gender identity

Everyone has the right to be recognized as a person before the law. The United Nations has affirmed the right of trans persons to legal recognition of their gender identity and a change of gender in official documents, including birth certificates, without being subjected to onerous and abusive requirements.

This right is violated in all regions of the world. Many countries deny trans people any possibility of obtaining legal recognition of their gender identity. Many of those that do provide for legal recognition, force trans individuals to meet various conditions before their identity can be recognized – including sterilization, sex-assignment surgery or treatment, psychiatric diagnosis of gender identity disorder, divorce and confinement in psychiatric institutions. In most countries minors and non-binary people – that is, persons who do not identify as either male or female – have no access to recognition of their gender identity.

## Being trans is not an illness

Trans children and adults are frequently branded as ill (“pathologized”) based on their gender identity or expression. Trans people are not by definition ill; they are part of the rich diversity of human nature. Being different should not be treated as a disorder. In June 2018, the World Health Organization formally declassified trans identity as a mental illness. The United Nations has highlighted that pathologization is one of the root causes of human rights violations faced by trans people.

## Health

Some trans people seek gender-affirming procedures, including surgical interventions and hormonal treatments. Not all trans people seek such procedures and they should never be required for recognition of gender identity. Gender-affirming procedures are not available in many countries. Where they are offered, they are often expensive and not covered by public or private insurance.

As a result of violence, stigma, discrimination and a lack of access to healthcare, trans people suffer from worse psychological and physical health outcomes than the general population. Prejudice and lack of training among health care professionals contribute to this problem.



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## ACTION POINTS

### *States*

- 1** Record, investigate, prosecute and provide remedy for acts of violence, torture and ill-treatment against trans people and those who defend their rights, and monitor and report on levels of hate-motivated violence.
- 2** Provide police, judicial officials and shelter providers with training to respond to the needs of trans survivors of sexual and other forms of violence.
- 3** Include gender identity and expression as protected characteristics in hate crime and hate speech laws.
- 4** Legally recognize the gender identity of trans people in official documents through a simple administrative process based on self-identification without abusive requirements such as forced medical diagnosis, sterilization, treatment or divorce.
- 5** Ensure access to health services including gender affirming procedures for trans people without stigma, discrimination or abusive requirements.
- 6** Change national medical classifications that classify being trans as an illness.
- 7** Protect trans and gender non-conforming children and youth from violence and discrimination and allow for recognition of their gender identity.
- 8** Take specific measures to respect the gender identity of trans people in detention and protect them from violence and discrimination.
- 9** Train police officers, healthcare workers, teachers, judges, prison officials, immigration officers and other officials on respect and equal treatment of trans people.
- 10** Ensure that trans people and organizations are consulted and participate when developing research, legislation and policies that impact on their rights.





## *Media*

- 1** Include the voices of trans people in newspapers, TV and radio.
- 2** Feature trans people and their human rights concerns in an objective, balanced and non-discriminatory manner.
- 3** Do not propagate negative and harmful stereotypes about trans people.
- 4** Refer to people using their preferred terms, pronouns, genders and names.
- 5** Do not refer to or reveal that a person is trans without their consent.
- 6** Train journalists on respect for trans people.

## *You, your friends and others can make a difference*

- 1** Use people's preferred terms, pronouns, gender and names, even when you are talking about their past. If you don't know which pronoun to use don't assume, politely ask.
- 2** Do not reveal that someone is trans without their permission.
- 3** Do not ask trans people what their private parts look like or what surgery they've had. You wouldn't ask non-trans people such questions, so don't ask trans people either.
- 4** Speak out when you hear hurtful language and harmful stereotypes, even when a trans person isn't present
- 5** Report violence against trans people.
- 6** Write to your government officials and demand legislation that protects the human rights of trans people.
- 7** Educate yourself on the experiences of trans people, their issues and concerns.

