



Report on Poverty

*Impact on Trans and
Gender Diverse
Communities*

POVERTY

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Report on Poverty – Impact on Trans and Gender Diverse Communities

“We live under the poverty line, because the laws are not inclusive. We live under the poverty line because you do not allow us to live differently. Governments lead us to this point. Our poverty is structural” – Marcela Romero.¹

The trans and gender diverse population is disproportionately disadvantaged, due to discrimination and injustice, and the result for trans and gender diverse people across the globe is poverty. This report on poverty within trans and gender diverse communities globally sets out to emphasize the interconnectedness of sustainability, livelihood, economic [in]dependence and the impact of poverty indicators on HIV responses, health and well-being. Trans and gender diverse people are routinely and structurally left behind in spite of the “leave no one behind” principle, which is a crucial commitment to uphold to reach the Agenda 2030 promise. The three areas of exclusion the report will focus on are interrelated and most often overlap, which makes it hard to untangle the sequence of priority as it forms an economic downward spiral creating a domino effect leading to dire socio-economic circumstances. The report will highlight the following three factors, contributing to the poverty indicators in the trans community globally:

1. Identity documents (gender marker and/or name change, and related bureaucracy)
2. Education
3. Employment

The 2030 Agenda for Sustainable Development, with its 17 Sustainable Development Goals (SDGs), aims to end poverty, protect the planet, and improve the lives and prospects of everyone, everywhere. The 17 Goals, which were adopted September 2015, are an urgent call for action by all countries – developed and developing – in a global partnership. In the light of “leave no one behind”, these Goals provide an opportunity for trans organizations and civil society, globally, to step up and ensure inclusion. In order to step up into this space, to work towards eradicating extreme poverty, it is helpful to review and reflect on these three areas to ultimately connect them in advocacy work and to address them with States at the national level.

Identity (documents, gender markers, name change and related bureaucracy)

Legal gender recognition is pivotal for the sustainability of trans and gender diverse people around the globe. The implications of not having documentation matching a person’s gender identity and gender expression range from an inconvenience to being suspected of fraud, and ultimately has dire consequences. The entire recruitment process for jobseekers becomes a nightmare, as with every potential interview there is a decision between declaring gender identity upfront and risking not being employed, or remaining silent and risking later dismissal based on not being honest in the application process. Being asked by a traffic officer to produce a license or identification card when driving is another area where trans and gender diverse people are at risk of entering the criminal system or, in some cases, face harassment or extortion by officials.

¹ During the webinar launch of the IACHR and REDESCA thematic report “Trans and Diverse Gender People and their economic, social, cultural and environmental rights”, 24 November 2020.

Having identification documents and a legal name that does not align with your gender identity or expression creates problems when a person completes school or university, and whichever highest education certificates are in the name not being used adds to the challenge of employment. Being an active citizen who takes part in democracy by means of voting or standing for any position desired is impossible without obtaining identity documents, and therefore taking part in elections is denied to all persons who cannot register or produce their identification documents.² Being a witness in any traffic offence case, or in any other circumstance, many times turns into a secondary charge, that which is not the original crime or accident, but instead where the trans witness or person making the case is arrested for fraud. This position puts trans and gender diverse persons at a legal disadvantage to the point that a person cannot exercise their rights in their daily lives. Trans and gender diverse people's vulnerability increases in cases of domestic violence, intimate partner abuse, or any situations that are emotionally and otherwise difficult to escape, due to the fear of secondary victimization when laying charges or seeking redress, as they might face legal charges themselves.

Visiting any medical service requires a person to produce their identity documents, regardless of whether the service is in the private or public care. Some trans and gender diverse people would rather not seek healthcare, or will wait until it is an emergency or a matter of life or death, as they fear the consequences of harassment, discrimination, maltreatment and rejection by the medical system when, inevitably, they will need to produce their identification. Trans and gender diverse people who live in countries where gender marker changes are not possible are therefore also denied medical care. Opening a bank account or any legal contracts, such as loans, small businesses or any other type, are impossible without identification and further prohibits trans people from taking part in any economic activities.

Legal gender recognition in law, policies or administrative procedures and processes vary across countries and regions. While the legal systems in many countries do not provide the option to change one's gender marker or sex characteristics in documents such as identity cards, birth certificates and passports, the possibility exists in some jurisdictions, with a range of restrictions. In many countries, gender marker change requires sterilization and other surgeries, and some countries require psychiatric evaluation. Most countries allowing gender marker change necessitates the applicant to be single or divorced.³ There are differences in the process between legal sex characteristic or gender marker change and legal name changes,⁴ both in procedures or consequences for trans and gender diverse people. In some countries, it is possible to legally change a person's name, however it is still not legal to officially change gender markers and therefore leaves trans and gender diverse persons with no legal protection if their documents are not in alignment with their self-expression and exposes them to undue scrutiny, anxiety and sometimes harassment.⁵ The Inter-American Commission on Human Rights urges States to recognize gender identity and rectification processes without criteria that is abusive or requires "real life tests", pathologizing procedures, forced sterilization or other procedures in line with testing gender dysphoria.⁶

² Inter-American Commission on Human Rights. Advances and challenges towards the recognition of the rights of LGBTI persons in the Americas: approved by the Inter-American Commission on Human Rights. December 7, 2018. ISBN 978-0-8270-6865-0

³ Chiam, Z., Duffy, S. & González Gil, M. (2017, November). Trans Legal Mapping Report - Recognition before the law. International Lesbian, Gay, Bisexual, Trans and Intersex Association.

⁴ ILGA World: Zhan Chiam, Sandra Duffy, Matilda González Gil, Lara Goodwin, and Nigel Timothy Mpemba Patel, Trans Legal Mapping Report 2019: Recognition before the law (Geneva: ILGA World, 2020).

⁵ Berredo, L., Arcon, A.R., Gómez Regalado, A., Honorée, C., McLean, N., Mejri, I., Shaikh, S., Shenker, T. & Toelupe, V. (2018, December). Global trans perspectives on health and wellbeing: TvT community report. TvT Publication Series Vol. 20. <https://transrespect.org/en/tvt-publication-series/>

Informe sobre personas trans y de género diverso y sus derechos económicos, sociales, culturales y ambientales. (Par 43) 7 de agosto de 2020. http://www.oas.org/es/cidh/prensa/press_releases/2020/282.asp (Inter-American Commission on Human Rights. Special Rapporteur on Economic, Social, Cultural and Environmental Rights)

The relevance of identity documents ties in with SDG1, No Poverty, through its Target 1.4 and the Indicator 1.4.2 as demonstrated below.

Target

1.4. By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance

Indicator

1.4.2. Proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure

2. Education

Many trans and gender diverse persons encounter exclusion at an early age, especially during teenage and adolescence years when bodily changes set in. This manifests in various ways, such as mandatory school uniforms and activities, including sport, being gendered. Bullying by fellow learners and, in some cases, by teachers as well, either in the form of harassment, targeted discrimination or failure to step in to prevent these instances, leads to many learners leaving school at a young age. Those who are able to complete school, despite these and other challenges, oftentimes under-perform. Another stumbling block can be school certificates that are issued in a gender descriptor and name that will not be useful in the future with job seeking efforts. Schools, colleges and universities are routinely reluctant to re-issue, on request, new academic papers and transcripts, even if the request is accompanied by new legal identity documents and official documents indicating the process. The Injustice at Every Turn study⁷ found that 78% of those who expressed a trans identity or gender non-conformity while in primary and secondary school experienced harassment and a further 35% experienced physical assault, with 15% leaving school or the education system early.

The study also reported that those who were harassed or abused by teachers showed dramatically worse health outcomes than those who did not experience such abuse.⁸ The Eastern Southern African SOGIE and well-being report⁹ indicated that only 60% of trans women, 48% of trans men and 33.5% of gender nonconforming participants completed secondary school.¹⁰ Employers around the world that do not discriminate and are open to employing trans and gender diverse people might echo what the TransWave Jamaica study found; that employers are willing to hire trans and gender diverse people, however they require that they have the relevant education or degrees¹¹ – this remains a challenge for trans and gender diverse persons who left school early and do not have the education level to match the qualifications in vacant positions.

⁷ A 2011 national study conducted in the US by the National Gay and Lesbian Task Force and the National Center for Transgender Equality with 6,450 transgender and gender non-conforming study participants from all 50 states, the District of Columbia, Puerto Rico, Guam and the U.S. Virgin Islands.

⁸ Grant, Jaime M., Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling. 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, 2011.

⁹ carried out across 9 Southern and Eastern African countries with 3,796 respondents of which 760+ were transgender and gender nonconforming.

¹⁰ Müller, A., Daskilewicz, K. and the Southern and East African Research Collective on Health (2019). 'Are we doing alright? Realities of violence, mental health, and access to healthcare related to sexual orientation and gender identity and expression in East and Southern Africa: Research report based on a community-led study in nine countries'. Amsterdam: COC Netherlands.

¹¹ TransWave Jamaica. 2019 November. Workplace Conversation Series Report. [transwaveja.org https://transwaveja.org/publications/Workplace%20Conversation%20Series%20Report.pdf](https://transwaveja.org/publications/Workplace%20Conversation%20Series%20Report.pdf)

In a positive light, some small strides have been made around the world to improve access to education for trans and gender diverse youth. Thai trans activist Nada Chaiyajit petitioned her school to issue her documents according to her gender identity, laying the groundwork for Thai trans students to get official documents according to the gender they have chosen.¹² Mexico City changed school uniform policies to such an extent that learners can choose if they want to wear male or female uniforms.¹³ In the Western Cape, a province in South Africa, the Department of Education introduced LGBTQI+ guidelines for schools.¹⁴ A school predominantly for trans children ages 6 – 17 opened in Chile and is named after the Mexican trans activist and politician Amaranta Gómez Regalado.¹⁵ India opened a school for trans learners and boasts the inclusion of trans teachers. The school aims to help trans adults who left school early to complete their education.¹⁶ These are just a few examples.

SDG 4, Quality Education, has a clear link with employment opportunities or the possibility of being employed, which falls under SDG 8, Decent work and economic growth. Ultimately SDG 4 and SDG 8 circle back to SDG 1, No Poverty. The two most obvious Targets of SDG 4, highlighted below, have clear connections with employment and thus to the eradication of poverty.

Target

4.4 By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship.
4.7 By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development.

3. Employment

Everyone, regardless of sexual orientation or gender identity, has the right to fair employment and equal pay, with a work environment conducive to staff fully contributing to the economy and able to afford their sustainability with dignity.¹⁷ Trans and gender diverse adults in the US experience double the rate of unemployment of other US citizens, meanwhile, of those who are employed, 44% reported under-employment and 26% experienced loss of a job specifically because they are trans or gender diverse. 86% of those who are employed have access to restrooms appropriate for their gender identity, while 14% cannot access restrooms during their working hours. On the other hand, 78% of those who transitioned say their work performance has improved.¹⁸

¹². <https://www.nbcnews.com/feature/nbc-out/transgender-activist-breaks-barriers-education-thailand-n708366>

¹³. <https://www.hrw.org/news/2019/06/13/mexico-citys-lgbt-inclusive-school-uniforms-policy>

¹⁴. <https://www.mambaonline.com/2020/07/01/western-cape-first-to-introduce-lgbtq-guidelines-for-schools/>

¹⁵. <https://www.bbc.com/news/av/world-latin-america-48271140>

¹⁶. <https://www.bbc.com/news/world-asia-india-38470192>

¹⁷. The Yogyakarta Principles, 2007

¹⁸. Grant et.al.

The Southern and Eastern African study found that 55% of both the trans women and trans men respondents are unemployed, while 37% of the gender diverse participants are also unemployed. Similarly to being under-employed, or in this case in the informal economy, a further 24% of trans women, 21% of trans men and 35% of gender diverse respondents in the aforementioned study have informal employment, and more than two thirds of trans women (71%) and trans men (70%), and more than half of gender diverse people (57%) did not have enough money to meet their basic needs. A study that was completed in Asia, specifically China, Philippines and Thailand, indicated that trans women and trans men face higher levels (double to triple) of discrimination at work when being out than their gay and lesbian counterparts in the same study. In the Philippines, for example, cisgender men (gay and bi) face discrimination and bullying at 20%, while for trans men (regardless of their sexual orientation) the rate is at 61%. Employment is often viewed as the most important link between economic growth and poverty reduction. However, workplace discrimination, harassment and bullying remain a challenge for trans and gender diverse people and hamper their dignity, ability to sustain themselves and live a dignified life. Decent work and economic growth, SDG 8, therefore has a direct link with SDG 1, No Poverty .

The syndemic implications of poverty and how it relates to trans and gender diverse people and poverty indicators

The lack of gender identity documents that correlates with a person's gender identity and expression remains one of the core challenges for trans and gender diverse persons. As exhibited above, the inability to open a bank account or to be offered an equal opportunity to be employed inevitably leads to dire economic outcomes. With family rejection and loss of housing for a large part of the trans and gender diverse population, especially trans youth and trans women, the only alternative that remains is sex work, or other hustling jobs that are part of the informal economy.

This story below demonstrates how trans and gender diverse youth who face challenges and rejection at school very often leave school early, lose accommodation and, in the process of becoming homeless, are also left with nearly no choices of survival with sex work remaining their only option. This, again, continues the pattern of a syndemic cycle with STDs and potentially HIV. In other cases, chances are that survival also steers a person to petty crimes and they might also enter the criminal system.

¹⁹. Müller et.al.

²⁰. UNDP, ILO (2018). LGBTI People and Employment: Discrimination Based on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics in China, the Philippines and Thailand.

²¹. RFSL, Andrew Park and Lucas Ramon Mendos. (2018). For All – The Sustainable Development Goals and LGBTI People

²². Mills, Elizabeth, 2015. 'Leave no one behind': Gender, sexuality and the Sustainable Development Goals.

<https://gsdrc.org/document-library/leave-no-one-behind-gender-sexuality-and-the-sustainable-development-goals/>

²³. RFSL, Park et.al.

"In 2009 the office was visited by a police officer who showed up with a schoolgirl in a school uniform. The officer was there to ask the organization to deal with this case as they wouldn't know what to do. According to the police officer the girl's story needed our intervention. The police met the girl when she was at the police station to open a case against her principal who pulled her hair and whipped her with a stick on her legs, demanding that she must behave and dress like other boys. It was plausible for the police to seek our assistance. We got in touch with her family and we discovered that she was in so much trouble at home because she was being problematic at school. Her life was hard during and after school hours. She had nowhere to hide. After losing contact with her for some time, we reconnected with her. She has now found an accepting and supportive family and is now part of Sisterhood, a group of transgender women who are sex workers in Cape Town. This youngster dropped out of school early, like so many other trans children who face similar problems/ challenges at school".

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