Solutions to the Violence and Discrimination faced by the Transgender Community

Our society constantly demands that people make a choice of one out of two options: cat or dog people, chocolate or vanilla, left-brained or right-brained. This subscription to a binary pervades throughout our everyday lives, ranging from the trivial decisions listed above to much more serious matters, and those who do not conform to the binary are ridiculed, subjugated, and often times put down. Even further, our society tends to favor one side of a prescribed binary while simultaneously suppressing the other: wealthy is favored while poor is disenfranchised; white is given power while persons of color are systemically oppressed; men hold power while women are kept “in their place” below. The concept of a gender binary is no different; society demands that its people fit into one of two categories - male or female - while excluding and thus leaving room for unbridled prejudice against those who do not identify completely with one or the other.

Thus, the violence and discrimination faced by the transgender community - especially transgender women of color, who must deal with the sexism that comes with being a woman and the racism that comes with being a racial or ethnic minority on top of the systemic oppression against transgender individuals - stems from the demands of the gender binary. This problem of violence and discrimination is an extremely pressing issue with dire consequences - the transgender community faces disproportionately high rates of murder and violent crimes, exponentially amplified suicide rates, and unfairly increased unemployment and homelessness - but it can be solved through the repeal of discriminatory state laws, the passing of inclusive federal antidiscrimination laws, and the funding of sex education that includes topics such as gender identity and sexual orientation.

Important Vocabulary to Consider

However, before getting into the discussion of the exigency of solutions to the injustices faced by the transgender community, it is important to understand the terminology used to describe many aspects of the community by the community, for most of the listed problems arise from a dearth of understanding and a plethora of confusion and ignorance. Thus, there are several important definitions that are often mixed up and used incorrectly when discussing issues of gender identity. In fact, even the concept of gender is often misconstrued. Gender, as defined by United Nations Entity for Gender
Equality and the Empowerment of Women, is the culmination of the context-specific and changeable, “socially constructed and… learned” attributes, opportunities, and relationships, “associated with being male and female” or gender-nonconforming. The most important implications to be derived from this globally-accepted definition are the ideas that gender is a social construct that is not determined by biology or chromosomes and that gender can change over time. Gender, therefore, is not the same as biological sex, which is defined by GLAAD as, “a combination of bodily characteristics including: chromosomes, hormones, internal and external reproductive organs, and secondary sex characteristics,” assigned at birth.

Moreover, the concepts of gender identity and sexual orientation are often confused. Gender identity is one’s intrinsic sense of gender, which may or may not match his or her biological sex. On the other hand, sexual orientation, “describes an individual's enduring physical, romantic [and] emotional attraction to another person,” which is on a completely different spectrum than gender identity. While there is intersectionality with gender identity and sexual orientation, the issues related to the former will be discussed in this issue brief.

Aside from the general distinction between gender and biological sex and the distinction between gender identity and sexual orientation, there are important transgender-specific words that have easily confused definitions. Furthermore, some words have multiple definitions and can be used as a specific term or an umbrella term. For example, the term transgender holds both a general and specific definition. According to the University of Michigan Spectrum Center, transgender refers to all people who, “do not identify with their assigned gender at birth or the binary gender system,” which can include non-binary individuals who identify as agender, genderqueer, or neutrois. It is also important to understand the definition of cisgender, a term used to describe people who identify with their assigned gender. These will be the definitions of transgender and cisgender as used within the context of this issue brief as the problems and solutions are discussed below.

The Modern-Day Predicament of the Transgender Community

According to a study done by Transgender Europe, the average life expectancy of a transgender woman of color is a mere 35 years old, half of a life compared to the
average life expectancy of 78.8 years for an American child born in 2012. Currently, the rate of murder of transgender women by cisgender people is 1 in 12 with the rate rising to 1 in 8 for transgender women of color. It stands to reason that transgender women of color are the most vulnerable members of the LGBT+ community from these alarming statistics above alone, but unfortunately, there is more disheartening data out there as well, such as the alarming murder counts shown in Figure 1 below.

Figure 1

The violence against transgender people does not stop with murder but also extends into the realm of violent crimes covered by the Department of Justice of the United States, which includes simple and aggravated assault, sexual violence - or more specifically forcible rape - and robbery, as well as property crimes, such as burglary and theft. According to a special report done by the DOJ in 2013, which lumped hate crimes against people due to gender identity and sexual orientation, members of the LGBT+ community are twice as likely as black or Jewish people to be attacked in a violent hate crime and more than four times as likely as Muslims to be attacked in these crimes. Additionally, transgender people are 1.7 times more likely to be raped, and the crimes against them tend to be more severe and sexual in nature than crimes against their cisgender counterparts. Unfortunately, these are conclusions drawn from numbers that many experts within the DOJ state are underestimates of the reality of the condition, as many crimes against queer and gender-nonconforming people go unreported for fear of retaliation or police violence. The National Coalition of Anti-Violence Programs collected the statistics of police violence in 2013, shown in Figure 2 below.
Because of this violence, coupled with the discrimination that will be focused on shortly, transgender individuals suffer from rates of drug abuse, mental health issues, and homelessness higher than any other community. Furthermore, the transgender community suffers suicide rates exponentially higher than the cisgender community in the United States. According to studies done in 2014 by the American Foundation for Suicide Prevention in partnership with the Williams Institute, 4.6% of the overall population of the United States has self-reported a suicide attempt, but that number nearly quintuples to approximately 20% for lesbian, gay, or bisexual Americans and increases ten times to approximately 41% for transgender or gender nonconforming individuals. Illustrated below by Figure 3, the disparity is indicative of an unjustly suffering population.
Aside from outright crimes of violence, transgender people face discrimination in education and employment, among others, especially if they do not pass wholly as their respective gender identity. Surveys done by the National Center for Transgender Equality and the National Gay and Lesbian Task Force in 2011 looked at two three basic human rights and found that, “discrimination was pervasive throughout the entire sample, yet the combination of anti-transgender bias and persistent, structural racism was especially devastating,” with results showing that African-American transgender respondents fared worse than all others. The surveys also found that the sampled transgender individuals were nearly four times more likely to live in extreme poverty, having an average household income of less than $10,000 per year compared to the general population.

With regard to discrimination in education settings, those who “expressed a transgender identity or gender non-conformity while in grades K-12” self-reported “alarming rates of harassment,” with 78% of respondents delivering accounts of at least verbal abuse. Moreover, 35% of respondents reported facing physical assault, and 12% of respondents reported suffering sexual violence. In 1 out of 6 cases, harassment was so severe that it forced the respondent to leave a school in primary, secondary, and higher education. These results are visualized in Figure 4 below.

![Figure 4](image-url)
Furthermore, the survey found that respondents experienced unemployment at twice the rate of the general population in 2011 with rates for transgender people of color up to four times the national unemployment rate. Similarly, 90% of those surveyed reported suffering workplace harassment, mistreatment, or discrimination, and nearly half of the sample reported experiencing an “adverse job outcome,” such as termination, not being hired, or being denied a promotion due to their gender identity, which could be biased but holds validity nonetheless. Even more, 16% reported that they were forced into sex work or drug dealing for income, and those who were currently unemployed experienced nearly double the rate of homelessness, 85% more incarceration, and nearly double the rate of alcoholism and drug use. Figure 5 below illustrates unemployment rates of the overall population, the overall sample of transgender individuals, and then the breakdown of results by race within the sample.

Figure 5

The issues associated with transphobia, such as violence, suicide rates, and discrimination in the most basic avenues of human life are not solely problems of the United States, but in the wake of the acceptance of transgender celebrities like Laverne Cox and Caitlyn Jenner and the recent ruling of Obergefell v. Hodges that effectively
legalized same-sex marriage throughout the United States and its territories, it is of the upmost importance that the United States leads by example in solving its problems against the transgender community. \(^{21}\) Likewise, it is true that these are not problems that can be solved overnight, but the deeply-rooted prejudice against transgender and gender nonconforming individuals can be eliminated through the elimination and repeal of anti-transgender “bathroom bills,” such as North Carolina’s recent law HB2, through the passage of a comprehensive federal antidiscrimination law that mirrors the antidiscrimination laws that states such as California, Oregon, and Washington have in place, and through the implementation of a federally-funded sex education program that encompasses sexual orientation and gender identity.

**Solutions through Repeal, Passage, and Education**

On March 23, 2016, the North Carolina bill known as HB2 was signed into law as an “antidiscrimination law” that made no provisions for protection against discrimination based on sexual or gender orientation, instead forcing transgender individuals to use bathrooms according to the biological sex on their birth certificates, effectively dismissing gender identity as legitimate and affirming that protecting the rights of transgender individual is less important than satisfying the bigoted fears of evangelical conservatives. \(^{22}\) The backlash against this egregious violation of human rights was intense and immediate; almost as soon as the law became public, more than 80 major CEOs and business leaders signed an open letter to the state government of North Carolina urging for repeal under the reasoning that, “discrimination is wrong and… has no place in North Carolina or anywhere in our country,” as it is “bad for business” and needlessly puts too many people at risk. \(^{23}\) Moreover, North Carolina is currently being sued over the law, as it violates the Department of Education’s recent declaration that Title IX conveys protections to transgender students, and there is a looming threat that federal funding will be cut off to the state, which would, “send the state into a budget crisis and jeopardize services that are central to daily life,” and send the message to other states that discriminatory laws are unacceptable practices. \(^{24}\)

There is proof that corporate bans and federal threats work to curb discriminatory laws. For example, recently in Georgia, a similar “religious liberties” bill was passed through the state legislature and landed on the desk of the governor. After the NFL, the
NBA, and the NCAA, among other leading film-making companies such as Disney, all voiced concerns over the laws and threatened to take business elsewhere, the bill was vetoed. 25 These corporate bans and federal admonishment need to continue wherever ridiculous state laws threaten the rights of transgender individuals. One might argue that a law requiring people to use bathrooms for their biological sex is not as atrocious an evil as liberal media makes it out to be, but the fact of the matter is that, “experiencing consistent problems in gender-segregated public restrooms,” contributes to a damaging sense of, “stigmatization and ubiquitous discrimination” that only amplifies trauma and stress that undermines a person’s sense of belonging and ability to function in society. 26

Despite their effectiveness, a reactive approach dependent on corporations acting on behalf of what is right cannot be fully relied on to guarantee an end to violence against transgender individuals. A proactive approach must also come in the form of antidiscrimination legislation that specifically protects citizens against discrimination based on gender identity and sexual orientation. Currently, only nineteen states have nondiscrimination laws that have clear gender identity protections along with sexual orientation and biological sex protections, as illustrated by Figure 6 below.

Figure 6 27
Passing a law, such as the Equality Act, which was introduced by Senator Jeff Merkley and Representative David Ciciline in 2015, that establishes, “explicit and permanent protections against discrimination based on an individual’s gender identity or sexual orientation in matters of employment, housing, public spaces and services, federally funded programs, credit, education, and jury service,” would give transgender people legal recourse against discrimination. At the very least, that would cut down on police violence and would give transgender victims of violence and discrimination a voice in court. The passage of a law would also have important implicit insinuations, as a law guaranteeing protection against discrimination for members of the transgender and gender non-conforming community would send the message that issues of gender identity and those who face them are legitimate human beings, at the very least in the eyes of the government and the law.

Finally, the most important solution comes in the form of compulsory comprehensive education. The main reason for the hatred faced by the transgender community stems from fear and misunderstanding, and the majority of fear comes from uncertainty and ignorance. Consequently, it stands to reason that sex education classes that talk about the complex and often confusing concepts of sexual orientation and gender identity need to be funded and mandated by the federal government. The creation of curricula that increase LGBT+ cultural acceptance will create inclusive classrooms that will teach students to, “support all people’s rights to safety regardless of sexual orientation, gender identity, or gender expression and can give students information on critical resources around [anti-LGBT+]… violence,” creating a long-term solution that will lead to at least a decrease in violence and discrimination against transgender individuals. No one is born hating a certain group of people; hatred is a learned behavior, so if acceptance is promoted during the most important formative years of students’ lives, then the prejudice and successively discrimination and violence will eventually be phased out of existence completely.

**Concluding Remarks**

It cannot be denied that this is a very polarized issue with many people disagreeing on the fundamental validity of the transgender identity. Regrettably, because of the way that people have been taught for generations, the concept of a gender binary is
cemented into the mindset of our society. Nonetheless, this issue is more important than
the thoughts of bigots and should not be decided neither by personal prejudices nor
outdated traditions. It is no one’s right to say that another person’s identity is invalid or
deserves maltreatment so severe it results in death. Gender identity is not something that
should be oppressed, and there is no right or wrong identity.

Furthermore, the plight of the transgender community is an insult to the ideals
freedom and liberty that our country was founded on. As Americans, we pride ourselves
in our inalienable right to a pursuit of happiness that cannot be hampered or limited by
any other person or body of government, but countless people are being robbed of the
most rights to happiness and life simply because they do not conform to the arbitrary
rules that govern gender expression and identity. Until action is taken to halt the
persecution and subjugation of those who do not subscribe to the archaic and ridiculous
gender binary, people will continue to be murdered, raped, and wrongfully disadvantaged
over something out of their control. Corporations and policy-makers must take a stand
against potential and existing anti-transgender bills and laws; the federal government
must take a proactive approach through the passage of an antidiscrimination act; and our
future generations must be educated and taught to love those who are different so that no
one ever again must bury a child, sibling, or loved one because of their gender identity.
References


3. Ibid.


5. Ibid.


10. Ibid.


12. Ibid.


16. Ibid.
17. Ibid.
18. Ibid
20. Ibid.