

HUMAN RIGHTS VIOLATIONS AGAINST THE TRANSGENDER COMMUNITY IN THE UNITED STATES

Laws violating transgender rights in the U.S have swept the country since 2019.

“Trans people are humans too and deserve to live in this country.”

- Nico Watson, Teacher

- As of August 2023, **11 states limit discussions of LGBTQ+ issues in schools**, and in 5 states, schools with such curricula must inform parents beforehand and allow them to opt their children out of receiving that information
- **22 states ban at least some forms of gender-affirming health care** for children, and **5 of these states punish gender-affirming care as a felony.**
- In **9 states**, transgender individuals are **prohibited from using the bathroom that corresponds with their gender identity** in schools and in some instances other public spaces.
- In **23 states**, transgender students are **banned from participating in school sports consistent with their gender identity.**
- Lawmakers have introduced **hundreds of more bills limiting the rights of transgender individuals** in just the last year.

Book bans and laws restricting classroom instruction violate the Right to Freedom of Expression.

“It's like walking through a hailstorm. It's not like any one piece of hail that gets you, it's all the hail together.”

- Polly R., parent of a gender-nonconforming child

Denial of gender-affirming care, discrimination in antiviolenence services, and bathroom bans violate the right to physical and mental integrity, consisting of the rights to privacy, security of person, and life, as well as freedom from cruel, inhuman, and degrading treatment.

- Attempts to ban or restrict books doubled from 2021 to 2022, and **45.5% of books** at threat of being banned **were written by or about LGBTQ+ individuals.**
- Various “Don’t Say LGBTQ+” laws **prohibit the use of transgender students’ names and pronouns** or **prevent classroom instruction on sexual orientation or gender identity** from kindergarten to eighth grade or in any grade if it is not deemed “age-appropriate” without defining these terms, **broadly chilling speech.** For instance, in Florida:
 - Educators who do not comply can have their **education certificate revoked.**
 - Florida’s **attorney general can file a civil lawsuit against schools not in compliance** for damages up to \$10,000.
 - **Parents can sue the school district** for violating the Act.
- LGBTQ+ and allied state representatives who have spoken out against discriminatory bills have been **silenced.** In Montana, for example, when **state representative and trans woman Zoey Zephyr** spoke out against a bill that would ban gender-affirming care, **other lawmakers banned her from the chamber for the rest of the legislative session.**
- “[Impeding access to medically necessary treatment to alleviate gender dysphoria **causes higher rates of depression, anxiety, and suicidality,**” jeopardizing the right to life.
- **12% of transgender people experienced homelessness** because of anti-transgender bias in the past year alone. Of those who did find shelter, **70% reported** a negative experience like **harassment, assault, or being forced out of the shelter because they were transgender.**
- In one study, 36% of transgender students who were forced to use bathrooms inconsistent with their gender identity experienced sexual assault.
- Over 20% of all violent hate crimes documented in the U.S. related to gender-identity or sexual orientation.

“I can say that if I hadn't sought gender-affirming care, I wouldn't be here now.”

- Nico Watson, Teacher

RECOMMENDATIONS

“I remember watching the leader of the board at the hearing talk to the people protesting, and he said, ‘you can be as loud as you want but you're not going to change anything anyway.’”

- Erin Reed, Journalist and Activist

1. The U.S. should **enact comprehensive legislation to expressly prohibit any discrimination based on sexual orientation and gender identity** in areas such as education, employment, health care, housing, credit, and public accommodations.
2. The U.S. should utilize tools, such as **Title IX**, to **incentivize compliance with non-discrimination** requirements on the basis of gender identity and sexual orientation and enforce existing civil rights laws through the Department of Justice and relevant administrative agencies.
3. The U.S. should ensure that transgender individuals are **fully covered under public programs and services**, such as Medicaid and programs under the Family Violence Prevention and Services Act, without discrimination or denials of benefits because of their gender identity. It should redouble efforts to provide transgender people with necessary services that have been reduced or eliminated at state level.
4. Through the Office of the Surgeon General or the Department of Health and Human Services, the U.S. should provide clear **guidance to states** on medical best practices and the provision of gender-affirming care, drawing on the **evidence-based, best practice standards for transgender health** established by WPATH (World Professional Organization for Transgender Health) and other professional organizations.
5. The U.S. should ensure that transgender people have **adequate access to shelters** that serve people experiencing homelessness and intimate partner violence, as well as equal and meaningful access to the justice system. **Transgender people must be able to seek remedy and redress when they experience violence.**

