

APPENDIX II

THE STATE OF TRANS ORGANIZING

3RD EDITION

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APPENDIX II. STATE OF TRANS ORGANIZING CASE STUDIES



CASE STUDY 1

United Nations Trans Advocacy Week

The process of introducing trans issues at the United Nations (UN) started more than 20 years ago. However, for a long time, those issues occupied a relegated place when compared with issues concerning sexual orientation. The Yogyakarta Principles, published in 2007, contributed decisively to articulation of “gender identity” as a key normative concept and to proving that trans and gender diverse people should be protected under international human rights law.

Over the years, activist delegations to the United Nations started to include trans and gender diverse participants—but always in very small numbers and with an equally limited agenda, focused on providing testimonies about stigma, discrimination, and violence. Generally, trans and gender diverse activists depended on being invited by cis-led organizations with the capacity to operate at the UN in Geneva or New York to access those spaces for several reasons: knowledge about the system and its intricacies, funding to engage with it routinely, and Economic and Social Council (ECOSOC) status to accessing it.

In 2016, a group of trans and gender diverse activists attended the first public consultation called by Vitit Muntarbhorn, the first Independent Expert on Sexual Orientation and Gender Identity (SOGI). Participation in this event allowed them to assess not only the negative impact of decades of relegation in UN spaces but also the positive impact of trans and gender diverse activists working together for the first time in those spaces. It became clear to them that such an experience of collective work should be transformed into a regular event. Building upon a previous partnership on the process toward depathologization, Global Action for Trans Equality (GATE), Transgender Europe (TGEU), Asia Pacific Trans Network (APTAN), the Swedish Federation for Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Rights (RFSL), and the International Lesbian, Gay, Bisexual, Trans, and Intersex Association (ILGA World) established a new partnership and created Trans Advocacy Week (TAW).

Since then, TAW has come together every year, bringing trans and gender diverse activists to the UN Human Rights Council. In its first edition, 16 trans and gender diverse activists from 15 countries participated in the June 2017 session of the Human Rights Council in Geneva. In 2018, the delegation included 23 trans and gender diverse activists from 19 countries. In 2019, TAW delegates were deeply involved in supporting the renewal of the SOGI Mandate. During the COVID-pandemic, TAW took place virtually. Between 2022 and 2023, more than 30 trans and gender diverse activists participated in TAW.

Year after year, TAW has contributed to increasing trans and gender diverse visibility at the UN. It has also contributed to building activists' knowledge, capacity, and skills to continue their engagement with the international human rights system and to make that system a more welcoming place for them. TAW has also made a decisive contribution to articulate a more nuanced approach to issues of gender identity and gender expression among diplomats, UN experts, agencies, mechanisms, and a wide spectrum of international cis-led organizations. The TAW partnership, which now also includes the East Africa Trans Health & Advocacy Network (EATHAN), has contributed to cementing the cooperation among partners whose collaborative work has helped to overcome structural barriers—including those of knowledge, funding, and ECOSOC accreditation.

Trans and gender diverse activists participating in TAW have engaged in plenaries, panels, and side events at the Human Rights Council, meeting in person with Special Rapporteurs and with representatives from key agencies, such as the Office of the United Nations High Commissioner for Human Rights (OHCHR), World Health Organization (WHO), Joint United Nations Programme on HIV/AIDS (UNAIDS), and United Nations High Commissioner for Refugees (UNHCR). They have had an outstanding role in addressing poverty and socioeconomic justice, torture in health care settings, depathologization and access to health care, anti-gender movements and their impact, funding inequalities, and the very possibility of trans and gender diverse futures.

By the end of 2023, the organizers launched a call for applications to attend TAW 2024. Applications were provided in English, French, Spanish, and Russian, encouraging activists to translate it in their own languages if preferred. The call encouraged “applications from trans and gender diverse people with multiple, intersectional identities, including (but not limited to) Black, indigenous, and Latinx people and people of color, D/deaf and disabled people, people from a migrant background, and sex workers, as well as applicants from Global South countries.” The organizers announced that “the

program for participants will include workshops on Treaty Bodies, Special Procedures, and UPR Processes, as well as opportunities to make statements at Human Rights Council sessions and take part in closed-door meeting with senior officials.”

In 2023, after a years-long process, GATE and APTN became the first trans-led organizations to obtain ECOSOC status.

Additional information

- UN Trans Advocacy Week. gate.ngo/knowledge-portal/campaign/un-trans-advocacy-week-overview
- *Yogyakarta Principles (2007) and Yogyakarta Principles Plus 10 (2017)*. yogyakartaprinciples.org
- ECOSOC Status: Civil society organizations (CSOs) interested in participating in the work of the UN can apply to the Economic and Social Council (ECOSOC) to get their official accreditation (or ECOSOC status). It can be a long and difficult process, as applications can be deferred for several years due to the action of states opposing the application. CSOs without ECOSOC status depend on accredited allies to fully engage with the UN.

CASE STUDY 2

Depathologization

In May 2018, the World Health Organization concluded the extensive process of revision and reform of the *International Classification of Diseases (ICD)*, the key tool used globally for diagnosing pathologies, tracking their occurrence, and providing access to treatment in public, private, and mixed health care systems. Among other changes, the 11th *ICD* version removed all previously existing categories classifying trans and gender diverse people as mentally disordered. In May 2019, the World Health Assembly approved that version, known as *ICD-11*.

Trans and gender diverse activists from all regions had vigorously engaged in the process of reviewing and reforming the *ICD*. Around the world, diagnoses such as “gender identity disorder” and “transsexualism” were widely used to impose unacceptable requirements for legal gender recognition access, to restrict access to health care, justify human rights violations in psycho-medical settings (such as so-called “conversion therapies”), and to spread misinformation about trans and gender diverse people, their experiences, identities, bodies, sexualities, and lives.

While many activists celebrated the removal of psycho-pathologizing categories from *ICD-11*, they also expressed a critical perspective on the outcomes of the process. A new category called “gender incongruence” had been introduced in a newly created chapter focused on Conditions Related to Sexual Health. Trans and gender diverse activists expressed their concern with the concept and definition of “gender incongruence,” as it could be interpreted as supporting “congruence” as an ideal—but the category was ultimately accepted as necessary to ensure access to health care in those jurisdictions where a diagnosis is still required by health providers and health insurance. This position was presented as rooted in international solidarity in a context of raging socioeconomic injustice among trans and gender diverse people.

The conclusion of the *ICD* reform process is not the end of the process. Many countries are still applying old *ICD* versions, and trans people are still considered mentally disordered in those countries. Other countries apply different classificatory systems that still need to be reviewed and reformed—such as the *Diagnostic and Statistical Manual for Mental Health Disorders*, or *DSM*, which is extensively used in the United States. While *DSM V* has a more benign approach to trans and gender diverse people when compared with previous versions, it still needs its own revision and reform process.

In 2017, the *Yogyakarta Principles Plus Ten* expanded the original Principles and State Obligations. That expansion included more explicit language on depathologization, legal gender recognition, and access to health care, as well as on torture in health care settings and victims’ access to truth and reparations. A similar approach was adopted by Víctor Madrigal-Borloz, the second UN Independent Expert on issues of Sexual Orientation and Gender Identity, in his report on depathologization and human rights released in 2019. The report *Gender Is Not an Illness*, published by GATE in 2017, analyzed the implementation of this framework at the international, regional, and national levels. The global processes on the Sustainable Development Goals and Universal Health Care Coverage have opened other avenues for trans and gender diverse activists to demand full and depathologized access to human rights.

Back in 2018, trans and gender diverse movements had reason to feel cautiously optimistic about the future. The outcomes of the *ICD* process showed that seemingly immutable classifications could be changed, and gender identity laws based on self-determination were passed in a number of countries. Of course, those advances couldn’t by themselves solve systematic stigma, discrimination, and violence affecting trans and gender diverse communities—but winning against oppressive institutions was a step forward in the

long road to emancipation. Six years after that victory, the reaction unleashed by anti-gender movements is threatening to take this process backward.

Over the past few years, different sectors in the anti-gender opposition have increasingly called for depathologization to be reversed and for psycho-medical authority over trans and gender diverse people to be reinstated. This call has involved campaigning in favor of so-called “conversion therapies” when applied to trans and gender diverse people (and especially to children) and for the exclusion of gender identity issues from laws banning “conversion therapies” and similar practices.

The anti-gender war on depathologization is not only impacting trans and gender diverse people and their organizations; it’s also criminalizing supportive parents, teachers, and health providers and making gender-affirming health care more difficult or impossible. Official institutions, including the WHO, have been accused of complicity with the “trans agenda,” complicating the next steps in advancing depathologization. This situation has two extremely negative consequences: on the one hand, the anti-gender opposition is reintroducing old approaches to trans and gender diverse people, identifying them as delusional, perverse, and dangerous; on the other hand, struggling against this wave of repathologization is exhausting organizations and deeply affecting activists’ health and wellbeing.

Additional Information

- International Classification of Diseases. icd.who.int/en
- Kara, S. (2017) *Gender is not an illness*. GATE. gate.ngo/knowledge-portal/publication/gender-is-not-an-illness-document
- IE SOGI Report. (2018). ohchr.org/en/documents/thematic-reports/a74181-report-socio-cultural-and-economic-inclusion-lgbt-people-note

CASE STUDY 3

Self-Determination

Trans and gender diverse people have historically faced the same challenge in many different countries: access to legal gender recognition. Until 2012, all countries of the world where legal gender recognition was possible imposed heavy requirements on applicants—including mental and physical evaluations, sterilization, and divorce, among others. Those requirements had been insistently

denounced as incompatible with human rights standards by activists, academics, and representatives from official institutions, and challenging them became a top priority for the trans and gender diverse movement.

In 2012, Argentina became the first country in the world to pass a gender identity law granting access to legal gender recognition based on self-determination—allowing trans and gender diverse people to change their names and gender markers without imposing any requirement but a simple and expedited administrative procedure. Since then, several other countries have passed similar laws, including Denmark in 2014; Malta in 2015; Greece in 2017; Belgium, Luxembourg, and Portugal in 2018; Chile and Uruguay in 2019; Iceland and Switzerland in 2022; Canada, Scotland, Finland, and Spain in 2023; and Germany in 2024.

Self-determination has also been recognized in other jurisdictions, including many Mexican states, Canadian provinces, and U.S. states. In some cases, the judiciary system has granted access to legal recognition based on self-determination, such as the High Court of Botswana and the Supreme Court of Brazil (2018, 2023). In other cases, it has been established by the administrative system, as in Costa Rica and Ecuador.

The *Yogyakarta Principles Plus 10* called on states to expand their available gender markers to ensure that gender diverse people have equal access to legal gender recognition. That possibility already existed in several countries. Over the past 7 years, other countries have opened different ways of providing that recognition, including Argentina, Brazil, Canada, Chile, Colombia, Denmark, Germany, Iceland, The Netherlands, and the United States (at the federal level and at the state level in 25 jurisdictions).

In 2017, Sweden became the first country in the world to offer a public apology for requiring sterilization for trans people seeking legal gender recognition between 1972 and 2013. In 2020, The Netherlands became the second country to apologize for imposing the same requirement. In both countries, those trans people who had to sacrifice their self-determination, bodily integrity, and reproductive capacity to change their name and gender markers also received monetary reparations.

Efforts to achieve self-determination through legal reform have demanded that trans organizations expand their capacity to engage in multiple strategies—including building knowledge among lawmakers, working with electoral candidates and mobilizing voters, and producing substantive research and advocacy materials.

Trans and gender diverse activists working to advance self-determination face different forms of resistance to self-determination. In some cases, that resistance was based on old but still pervasive frameworks, including eugenics. In other cases, activists face new obstacles, including those posed by anti-gender and, specifically, anti-trans actors. Paradigmatically, this has been the case with the reform of the *Gender Recognition Act* in the United Kingdom. The process started in 2017 and became an international source for discussing the very existence of trans people, presenting gender self-determination as being in opposition to the common good and, in particular, in opposition to women's rights. According to this position, access to legal gender recognition should be strictly regulated by psycho-medical and legal authorities to avoid the abuse of self-determination to commit crimes. Trans and gender diverse activists inside and outside the United Kingdom have confronted this narrative, pointing out its lack of empirical basis, as gender identity laws are already implemented safely in many countries; its reliance on harmful stereotypes, as trans people are routinely presented as sexual predators; and its misleading target, given that gender and sexual violence are systematically committed by cis men, not by trans and gender diverse people.

The self-determination of trans and gender diverse people has also been attacked by international actors. For example, the current Special Rapporteur on Violence Against Women has explicitly opposed trans people's access to legal gender recognition based on their self-determination, considering it potentially dangerous for (cis) women and girls. In the case of the Catholic Church, gender self-determination has been condemned as an attempt to defy God. For trans and gender diverse people, self-determination has the same simple meaning today as it always has: accessing legal recognition without ceding their human rights.

Additional Information

- Kara, S. (2022) *Depathologizing Gender Identity Through Law*. GATE. gate.ngo/wp-content/uploads/2024/02/GATE_Depathologizing-Gender-Identity-Through-Law_2021.pdf
- ILGA World Database. database.ilga.org
- AWID. (2023). *There Is No Place for Anti-Trans Agendas in the UN*. awid.org/news-and-analysis/there-no-place-anti-trans-agendas-un
- Declaration of the Dicastery for the Doctrine of the Faith "Dignitas Infinita" on Human Dignity. (2024). press.vatican.va/content/salastampa/en/bollettino/pubblico/2024/04/08/240408c.html

CASE STUDY 4

Building and Mobilizing Knowledge on Anti-Gender Movements

Over the past 10 years, anti-gender movements have become a widespread social and political phenomenon. Associated with authoritarian governments, parties, and religious institutions, those movements have been able to weaponize collective anxieties, fears, and panics toward conservative sexual and reproductive rights. For example, the anti-gender opposition has mobilized millions of people around the world against comprehensive sex education, contraception and abortion, same-sex marriage and adoption, and against policy research and funding focused on women's, queer, and LGBTIQ+ issues.

Anti-gender movements promote a belief in sex as natural, binary, and immutable; therefore, gender identity issues have been increasingly identified as a clear manifestation of so-called "gender ideology." Since the publication of the second edition of *The State of Trans Organizing* in 2017, the anti-gender opposition has unleashed attacks of genocidal proportions against trans and gender diverse people.

One of the key targets deeply affected by those attacks is law and policy reform focused on legal gender recognition. In 2012, Argentina passed the first Gender Identity Law in the world granting access to legal gender recognition based on self-determination (that is, on a simple administrative procedure following a person's request). The example was followed by other countries seeking to remove unacceptable requirements for legal gender recognition, such as pathologization and sterilization. Recently, similar processes in other countries, such as the United Kingdom and Spain, have deeply suffered the impact of anti-gender attacks against self-determination.

In countries such as the United States and Brazil, anti-gender actors have been successful in passing legislation restricting or denying trans people their access to legal gender recognition, health care, bathrooms, sports, community life, protection from stigma, discrimination, and violence. Attacks against trans people have multiplied infinitely on social media and other digital platforms, and some media outlets have become mainstream platforms for those attacks. Once again, the anti-gender movement has argued that the process of depathologizing trans people should be reversed and that conversion therapies should be allowed; that trans people are dangerous to women, children, and humankind in general; and that a world without trans people would be a better world for all.

Responding to anti-gender attacks has become an absolute priority for trans activists, organizations, and networks—and one of their key

responses has been focused on building and mobilizing the critical knowledge desperately needed to confront them.

In the United Kingdom, for example, many individuals and collectives (such as Trans Media Watch and Trans Actual, among others) have been working non-stop to identify, map, and address the immense anti-trans wave impacting the country at all levels. In 2023, GATE published an in-depth analysis of the United Kingdom. In Spain, anti-gender organizing against legal reform on trans issues also required intense knowledge production to address and resist the increasing anti-trans convergence between some trans-exclusionary feminist actors and the far-right party Vox and to create effective messages to mobilize different audiences.

In the United States, the number of active anti-trans laws increased to 324 by May 2024, with 35 anti-trans bills passed since the beginning of the year. As the opposition to gender identity issues has become a permanent feature in conservative agendas, documenting and analyzing this monstrous wave has become an essential component of trans resistance. In that context, trans journalist Erin Reed provides a critical information service that keeps track of anti-trans measures in real time. In Brazil, where there are 77 anti-trans laws operating in 18 states, the situation is closely monitored by Associação Nacional de Travestis e Transexuais (ANTRA) and an entire ecosystem of allies in activism and academia.

Noticing the impact of anti-gender movements in decision-making forums at all levels, TGEU, ILGA-Europe, and GATE came together in a partnership and developed the tool kit *Trans Rights Are Human Rights: Dismantling Misconceptions About Gender, Gender Identity, and the Human Rights of Trans People*.

The *Global Report on the Impact of Anti-Gender Opposition on TGD and LGBTQI Movements*, published by GATE in 2023, analyzed data collected through a global survey and provided essential information and recommendations to donors, decision-makers, and activists working in Africa, Asia, Australia and Aotearoa/New Zealand, Eastern Europe and Central Asia, Western Europe, Latin America and the Caribbean, and North America. One year later, GATE published the tool kit *Recognizing and Addressing the Anti-Gender Opposition*, which compiles already existing and new resources on monitoring and reporting strategies, as well as on activists' safety, wellbeing, and burnout prevention. Individual trans activists are at the forefront of new knowledge production on trans and gender diverse issues, becoming key resources for their communities while being deprived of protections for their safety.

Anti-gender actors have repeatedly attacked trans activists' expertise, attempting to reduce or eliminate their participation in key decision-making processes. Earlier this year, for example, trans activists invited by the World Health Organization to participate in the development of guidelines on trans health care were publicly attacked in British media. The coverage exposed their names, pictures, and details of their personal lives, making them a target of anti-trans actors around the world. However, the same coverage systematically failed to report on their background as internationally recognized experts on trans health care issues.

Additional information

- ANTRA. antrabrasil.org
- GATE. (2023). *Global Report on the Impact of Anti-Gender Opposition on TGD and LGBTQI Movements*. gate.ngo/wp-content/uploads/2024/02/GATE_North-America-report-on-the-impact-of-AG-opposition-on-TGD-and-LGBTQI-movements_2023.pdf
- GATE. (2024). *Recognizing, Documenting and Addressing Anti-Gender Opposition*. gate.ngo/wp-content/uploads/2024/02/2024-GATE-Recognizing_Documenting_and_Addresssing_Anti-Gender_Opposition.pdf
- Erin in the Morning. erininthemorning.com
- Trans Media Watch. transmediawatch.org
- Trans Actual. transactual.org.uk
- GATE, TGEU, and ILGA-Europe. (2022). *Trans Rights Are Human Rights: Dismantling Misconceptions About Gender, Gender Identity, and the Human Rights of Trans People*. gate.ngo/knowledge-portal/news/trans-rights-are-human-rights-for-policymakers

CASE STUDY 5

Funding

Over many years, trans activists have sought to solve a challenge: despite increasing advocacy for and mobilization of “LGBTI” funding, and despite the centrality of stigma, discrimination, and violence against trans people around the world, trans-led organizations rarely benefited from these resources. Moreover, trans people themselves didn’t have much input in the distribution of these resources.

In 2013, the first report on *The State of Trans Organizing* was co-produced by GATE and American Jewish World Service (AJWS) and demonstrated how under-resourced the trans movement was and how far trans people were from decision-making power. Since then, a process involving multiple civil society and philanthropic stakeholders culminated in the creation of the International Trans Fund (ITF) in 2015.

Since its creation, the ITF has been a key resource for trans activists and organizations. After its seventh round of funding in 2023, the ITF has awarded \$6.26M to 181 grantee partners in 93 countries, seeking to “address and eliminate funding gaps impacting trans groups around the world.” The ITF also provided nonfinancial resources, such as building the capacity, skills, and leadership of trans activists, providing access and support, and playing a key role in the emergence of trans organizing in key regions—such as the Caribbean, Central Asia, the Middle East and North Africa, the Pacific, and West Africa.

Over the years, the ITF has opened and multiplied opportunities for trans activists to engage with philanthropy—for example, by selecting activists as members of its steering committee and grantmaking panel. As a community-led fund, ITF’s board of directors is led by a majority of trans people; that is also the case for the grantmaking panel that holds the decision-making power for all grants selected by the ITF, with full support from the fund. As expressed in the report *Resourcing Global Trans Movements: 5-Year Impact Evaluation of the ITF*, “trans people are rarely in positions where they are tasked with allocating US\$1M, so this in itself is about acknowledging their leadership role” (p. 11). The ITF also supports the increasing awareness, knowledge, and capacity of donors interested in supporting trans organizing.

In 2022, the ITF moved from being fiscally hosted at the Astraea Lesbian Foundation for Justice to becoming an independent organization incorporated in Canada. During this process, the steering committee transitioned into a board of directors, and the ITF completed its first independent audit. A progressive increase in ITF’s budget allowed the fund to expand its staff and infrastructure, as well as its capacity to operate in multiple languages.

While unique in its global reach, the ITF is not the only participatory trans fund. For example, since 2012, the Trans Funding Justice Project (TFJP) has supported the work of trans-led grassroots groups and projects in the United States and U.S. territories, with a vision of “a self-sustained world where trans people have the money and power we need to provide abundant resources and boundless support for our communities.” As of April 2024, TFJP had provided over \$8.3 million in support through over 1,700 grants.

The trans funding landscape is also changing, slowly but certainly, due to a different but related process: more trans people are joining philanthropic agencies and institutions, becoming a driving force in expanding awareness, collaborations, and commitments among governments and foundations. Dedicated spaces, such as the Global Philanthropy Project Task Force on Trans and Intersex Funding and the Funders for LGBTQ Issues Grantmakers United for Trans Communities (GUTC) initiative, provide a supporting community of practice for trans grantmakers.

Additional Information

- International Trans Fund (ITF). transfund.org
- Trans Funding Justice Project. transjusticefundingproject.org