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German Abstract

Inspiziert von der sozialen Dichotomie rund um das Thema Transfrauen und der gesellschaftlichen Konstruktion, die den Schutz und die Unterstützung von Transfrauen vorschreibt, untersucht diese Arbeit die Strategien und Protokolle, die sich dem Schutz der Menschenrechte im Zusammenhang mit Transfrauen in arabischen und afrikanischen Ländern widmen. Die Arbeit beleuchtet den rechtlichen Rahmen, die wirtschaftlichen Unterschiede und religiösen Werte, die die Weiterentwicklung der Rechte von Transfrauen in arabischen und afrikanischen Regionen hemmen könnten. Als Ergänzung enthält die Arbeit eine Analyse der möglichen gesundheitlichen und psychologischen Auswirkungen, die Schutzprotokolle auf das Leben von Transfrauen haben könnten, und umgekehrt, wie das Fehlen von Schutzprotokollen ihr Leben beeinflusst. Die Daten wurden durch die Analyse des aktuellen rechtlichen Rahmens sowie der bestehenden Literatur, einschließlich der Schutzmaßnahmen, die allgemein zum Schutz der Menschenrechte vorhanden sind, und deren spezifischer Anwendung auf Transfrauen, gewonnen.

Die Analyse zeigt, dass es widersprüchliche soziale sowie politische Werte gibt, die oft Gleichheit über alle Spektren hinweg verhindern, die definieren, was ein Mensch ist und sein könnte, sowie tief verwurzelte religiöse Doktrinen, die stark in das soziale Leben, die wirtschaftliche Gleichheit und die politische Bühne integriert sind. Die Untersuchung erstreckt sich auf den Gesundheitssektor und dessen Beziehung zur Transgender-Medizin in afrikanischen und arabischen Ländern. Die Ergebnisse zeigen, dass all diese Variablen kombiniert das aktuelle rechtliche System inspiriert haben, das über diese Länder herrscht und manchmal widersprüchliche Ergebnisse im Schutz von Transfrauen aufweisen kann. Darüber hinaus zeigen vorhandene Dokumente, dass es Instrumente gibt, um den Schutz von Menschen in diesen Ländern sicherzustellen, denen Transfrauen, wenn man sie in Betracht zieht, unterliegen. Jedoch wird der rechtliche Rahmen oft nicht beachtet, insbesondere von den Strafverfolgungsbehörden und der Justiz.

Persönliche Vorurteile und moralische Codes, die in den Gesellschaften dieser Länder verankert sind, werden untersucht, um herauszufinden, welche Faktoren die Inklusion oder Exklusion von Transfrauen in diesen Gesellschaften beeinflussen. Dies zeigt eine Kluft zwischen

denen, die als schützenswert gelten, und denen, die nicht als schützenswert betrachtet werden, basierend auf den oft seit Jahrhunderten die rechtlichen Rahmenbedingungen dieser Länder beeinflussenden religiösen Werten, die weiterhin Einzelpersonen aufgrund ihrer sexuellen Orientierung und Geschlechtsidentität ausgrenzen. Das Erkennen dieser Lücke zwischen den rechtlichen, politischen und sozialen Werten dieser Länder könnte das notwendige Potenzial für eine Verbesserung des Schutzes von Transfrauen bieten. Die Etablierung eines umfassenden Dialogs, in dem Unterschiede hervorgehoben und Fortschritte gefeiert werden, trägt zur Verbesserung der Lebensumstände nicht nur von Transfrauen, sondern von Menschen allgemein bei.

Obwohl diese Arbeit einen vergleichenden Ansatz verwendet, um analytische Forschung zu Transfrauen zu etablieren, zeigte sich, dass die Literatur begrenzt und die Informationen spärlich sind. Es erweist sich als schwierig, spezifische Informationen zu Transgender-Themen zu erhalten, da der Großteil der anwendbaren Forschung unter dem Sammelbegriff der LGBTQIA+-Gemeinschaft zusammengefasst wird, anstatt kategorische Statistiken basierend auf spezifischen Selbstidentifikationen zu erstellen. Im Rahmen dieser Untersuchung wird daher Forschung unter dem LGBTQIA+-Dach, wenn anwendbar, genutzt, um die Diskussion zu bereichern und ein tieferes Verständnis der behandelten Themen zu ermöglichen.

Abstract

Inspired by the social dichotomy surrounding the welfare and legal rights of transgender women and the societal construction that dictates the protection and support of this marginalized group, this thesis investigates the strategies and protocols in place committed to the protection of human rights as they relate to transgender women in Arab and African countries. The research explores the legal framework, the economic discrepancies, and religious values that could inhibit the further development in the improvement of trans-women's rights in Arab and African regions. As compliment, this thesis incorporates an analysis of the possible health, and psychological effect of the possibility of protective protocols could have on the lives of transgender women, and conversely, how the lack of protective protocols affects their lives. The data was obtained by analyzing the current legal framework as well as existing literature including protective tools that are in place to ensure the protection of human rights in a generalized fashion and how those same rights are applied to trans-women specifically.

The analysis shows that there are contradicting social values as well as political policies and laws that often prevent equality across all spectrums that define what a human is and could be as well as the engrained religious doctrines that are strongly rooted in social life, economic equality as well as in the political stage. The investigation expands into the health sector and its relation to transgender medicine in African and Arab countries. Results show that all of these variables have combined and have inspired the current legal framework that rules over these countries which can sometimes possess conflicting results in the protection of transgender women. Furthermore, existing documents show that there are instruments in place to ensure the protection of human beings in these countries, which in theory would include the protection of transgender women, often omits protections and rights to them and creates a paradox between basic human right protection and the reality of what is enforced legally and judicially.

Personal biases and moral codes engraved in the societies of these countries are explored to identify which factors influence the inclusion, or exclusion of transgender women navigating these societies. This shows a divide between those that ought to be considered as deserving of protection and those who are considered not deserving of protection based on, more often than not, the religious values that have for centuries influenced the legal framework of these countries

and that continue to ostracize individuals based on sexual orientation and gender identity. Acknowledging such a gap between the legal, political, and social values of these countries may provide the necessary potential for an improvement in the protection of transgender women. Establishing a comprehensive dialog where discrepancies are highlighted, and progress is celebrated, aids in the betterment of the lives of not only transgender women, but human beings in general.

While this thesis uses a comparative approach in order to establish analytical research applicable to transgender women, it was found that the literature is limiting and the information sparse. Obtaining transgender specific information proves difficult since the majority of applicable research is generalized under the umbrella of the LGBTQIA+ community rather than establishing categorical statics based on specific self-identifications. For the sake of this investigation, research done under the LGBTQIA+ umbrella, when applicable, will be used to enhance the discussion and provide a deeper understanding of the topics presented.

Introduction

The Nuclear Family Expectation and its Exclusion of Transgender Women

The existing literature on the subject of transgender women's rights is limited in substance. The majority of the information found on the rights of transgender women is included in a generalized manner under LGBTQIA+ research and not as a separate focus. For the purpose of this thesis, research obtained has been used in a comparative standard and applied to the subject of trans-women. Applicable research from related fields has been referenced with the purpose of obtaining related information specific to trans-women under the umbrella of the LGBTQIA+. Due to the lack of literature, this thesis will focus only between the year of 2010 to present. It will explore exactly how trans-women's lives are affected daily because of discrimination as well as the existing legislation that often fails transgender women. It is also valuable to highlight that while the terms "Arab", "African", and "Islamic" are used through this composition in a generalized manner, it should not by any means be considered as a point of blame to all Arab countries, African countries, or Islamic groups for not all share the same values and opinions on the subject of transgender women.

According to a study conducted by the Williams Institute at UCLA School of Law, transgender women are four times more likely to experience gender-based discrimination and violence than cisgender people.¹ The violent victimization experienced by transgender women includes rape, sexual assault, aggravated assault, and in numerous cases, murder.² The reason as to why transgender women suffer such horrific acts of inequality is not so easily identified but there are some factors that enable a better understanding on why this discrimination is happening and possibilities for improvement. In numerous Arab and African countries, family and the traditional gender roles within the community, which defines and dictates how families should

¹ thisisloyal.com, Loyal |. "Transgender People over Four Times More Likely than Cisgender People to Be Victims of Violent Crime." *Williams Institute*, 21 Dec. 2022, williamsinstitute.law.ucla.edu/press/ncvs-trans-press-release/.

² Griner, S. B., Vamos, C. A., Thompson, E. L., Logan, R., Vázquez-Otero, C., & Daley, E. M. (2020). The Intersection of Gender Identity and Violence: Victimization Experienced by Transgender College Students. *Journal of Interpersonal Violence*, 35(23-24), 5704-5725.

behave and be formed. In Arab and African countries, family expectations are of the highest value, especially when discussing the protection of the females in the family.

The “nuclear family” construct rules over these regions and establishes patriarchal standards within the society and culture ensuring that men hold the majority of power while women are only granted limited power, expected to abide by the rules and values held in the family by the male head of the household. The men protect, provide, and lead, while the women nurture, serve, and obey.³ One key aspect of the family values held in these types of societies is reproduction and the creation of genetic lineage. Men are expected to create lineage within their marriage in order to extend their genes and legacy down through generations while the women are expected to abide by the reproductive expectations and do so proudly. However, the entire concept changes when transgender women are introduced into the society and culture of a region with patrilineal beliefs.

The acknowledgement of transgender women in Islamic and African regions leads to the belief that family values where female and male gender roles are the standard would be ruptured. The traditional female and male nuclear family, where the man is the provider and the female is the child bearer is no longer possible, at least not in the traditional manner because transgender women are capable of biologically becoming pregnant or delivering a child. Medical professionals continue to explore the possibility of a uterus transplant which is believed to enable transgender women to become pregnant but the research has not progressed into clinical trials at this time.⁴ Unfortunately, even if transgender women are capable of delivering a child, there are cultural aspects that hinder the possibility for acceptance in Arab and African countries. Transgender women face systemic discrimination and are kept out of education, employment, housing and healthcare. They are also at a greater risk of arbitrary arrest and persecution even in

³ Pier. “Saudi Arabian Culture - Family.” Cultural Atlas, culturalatlas.sbs.com.au/saudi-arabian-culture/saudi-arabian-culture-family#:~:text=Men%20hold%20the%20most%20authority,and%20bedrocks%20of%20the%20family. Accessed 31 July 2023.

⁴ Maron, Dina Fine. “How a Transgender Woman Could Get Pregnant.” Scientific American, 15 June 2016, www.scientificamerican.com/article/how-a-transgender-woman-could-get-pregnant/.

cases where they are not at fault or committing any criminal activity.⁵ This is the ongoing reality of transgender woman in these countries. Carmen, a 21-year-old Syrian transgender woman explained in a 2018 interview by Human Rights Watch, “We go to look for jobs and the first thing they ask for is ID, and when they see I present as a woman, but my ID says male, they won’t hire me. If the government helps us correct our official records, we can go find jobs like any other person and do just fine. Instead, they convict us of crimes and impose laws on our identities.”⁶

Unrivaled inequity is the reality that rules over the lives of numerous transgender women in Arab and African countries. Although transgender women are humans just like any other cisgendered individual, and are bearers of the same rights that other hetero cisgendered individuals hold the right to possess, trans-women are not being honored with the same treatment as everyone and in some cases are stripped of those rights that should be inalienable to all humans. Lack of education and exposure to transgender people in a cultural and educational setting has created a deeper resentment for people who choose to live an alternative lifestyle. In fact, The South African department of education initiated a movement to introduce LGBTQIA+ matters into the curriculum of The University of the Western Cape in Cape Town, which caused an uproar within the community as well as the campus.⁷ The introduction of the curriculum was a bold and impactful decision that caused a split between the faculty as well as the student body within the University. The hesitance shown by some of the faculty and students sparked the question of why introducing LGBTQIA+ into the Universities curriculum was such an inconvenience. The study found that the major factor in refusing the introduction of a more inclusive learning curriculum was based in religious beliefs, citing that homosexuality in all

⁵ *Walking While Trans: Profiling of Transgender Women by Law ...*, scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1461&context=wmjowl. Accessed 11 Aug. 2024.

⁶ Younes, Rasha. ““Don’t Punish Me for Who I Am.”” *Human Rights Watch*, 28 Mar. 2023, www.hrw.org/report/2019/09/03/dont-punish-me-who-i-am/systemic-discrimination-against-transgender-women-lebanon.

⁷ J Lees. “SEXUAL DIVERSITY AND THE ROLE OF EDUCATORS: REFLECTIONS ON A SOUTH AFRICAN TEACHER EDUCATION MODULE.” Core.Ac.Uk, <https://core.ac.uk/download/pdf/276637051.pdf>. Accessed 31 July 2023.

forms of such alternative lifestyles go against the moral compass of any religious society abiding by the rules of their leading scriptures.⁸

This type of religiously influenced ignorance breeds discrimination towards transgender women and inevitably foster intolerance and biases of future generations. A foreseeable problem is that those that embrace the religiously influenced cultural biases against transgender women perpetuate inequity by obtaining positions of power, starting with personal patriarchal familiar structure at home and expanding to policies enacted in professional power positions such as law enforcement, education, healthcare, and legislation. This is shown in Kenya's current introduction of a bill that can potentially ban homosexuality as a whole. In an interview with Catherine Byaruhanga from BBC, a member of the Kenyan parliament, George Peter Kaluma explicitly stated, "We want to prohibit everything that has to do with homosexuality".⁹ The religious and cultural influences that continue to surround African countries cause anti-LGBTQIA+ to be proposed. Mr. Kaluma's bill was a direct result of Uganda's introduction of stricter anti LGBTQIA+ laws, with his being the beginning of a flood-gate of anti-LGBTQIA+ legislation that cripple equity in these countries. In Iraq, a proposal for a bill prohibiting homosexuality of any form is being led by MP of the State of Law coalition Aref al-Hamami. His bill will essentially criminalize homosexuality and it would allow for anti -LGBTQIA+ vigilantes and law enforcement groups to carry out arbitrary arrest and to commit honorary killings of those who are members of the LGBTQIA+ community.¹⁰

The existence of injustice against trans-women is undoubtable. Research continues to demonstrate the continued resistance of nations in honoring, let alone acknowledging, that there is a clear problem with the rights of transgender women. Arab and African countries have chosen to feed into culture and values that allegedly are intended for all people, yet continue to undermine and omit the fact that transgender women are also people. Inequality, discrimination,

⁸ J Lees. "SEXUAL DIVERSITY AND THE ROLE OF EDUCATORS: REFLECTIONS ON A SOUTH AFRICAN TEACHER EDUCATION MODULE." Core.Ac.Uk, <https://core.ac.uk/download/pdf/276637051.pdf>. Accessed 31 July 2023.

⁹ Byaruhanga, Catherine. "LGBT Rights in Africa: Will Kenya Be the Latest to Pass Anti-Gay Law?" BBC News, 18 July 2023, www.bbc.com/news/world-africa-66079603.

¹⁰ "Alarm over Proposed Law Banning Homosexuality in Iraq." Middle East Eye, www.middleeasteye.net/news/iraq-anti-lgbtq-law-raises-concerns-rights-group. Accessed 4 Aug. 2023.

and political oppositions have created a world in which transgender women's lives are not capable of thriving. Health care lacks resource, education is controlled, and in numerous countries there is little legislative support to ensure that transgender women can also enjoy the benefits of living under a social political society.

Another important factor to consider when discussing the lives of transgender women is accountability. In Arab and African countries, reports or statistical graphs specific to transwomen's issues are not reported. This leads to the collection and analysis of false data specifically in law enforcement and health care.¹¹ It is possible that the absence or refusal of research in these countries could be a result of the fear of persecution for showing interest towards transgender research and individuals alike. Showing support for transgender women could be seen as a form of institutional opposition and lack of religious morals.

Recent research demonstrates that not all African and Arab countries are acutely discriminatory towards transgender women. In some cases, there is existing literature that shows the tolerance for transgender identifying individuals. This thesis intention is not to solely discuss the negativity surrounding the topic of transgender women in Arab and African countries but to show the positive and negative aspects that exist and how they affect the community. Those countries will also be discussed in order to demonstrate that a change in intolerance in a positive manner is a possibility for these countries.

Chapter 1

A Deeper Look into the LGBTQIA+ Community and Human Rights

A study conducted by the Williams Institute at UCLA revealed that transgender women experience 86.2 victimizations per 1000 people analyzed while cisgender women experience 23.7 gender-based victimization per 1000 people analyzed.¹² Unfortunately, the victimization of

¹¹ HJ, Jobson GA;Theron LB;Kaggwa JK;Kim. "Transgender in Africa: Invisible, Inaccessible, or Ignored?" SAHARA J : Journal of Social Aspects of HIV/AIDS Research Alliance, pubmed.ncbi.nlm.nih.gov/23237071/. Accessed 6 Aug. 2023.

¹² Dowd, Rachel. "Transgender People over Four Times More Likely than Cisgender People to Be Victims of Violent Crime." *Williams Institute at UCLA School of Law*, 23 Mar. 2021, <https://williamsinstitute.law.ucla.edu/press/ncvs-trans-press-release/>. Accessed 5 July 2023.

transwomen is not reserved merely to the physical spectrum. The victimization of transgender women expands over the psychological sector, health and medicine, economics, education, and in the human rights sector. In order to fully comprehend the repercussions that all of these threats have on transwomen, it is vital to explain the specifics of how transgender women are affected psychologically, medically, economically, and educationally and extend a comparative analysis that highlights how these threats inhibit and violate the protection of basic human rights. Firstly, human rights are rights inherent to all human beings, regardless, race, sex, nationality, ethnicity, language, religion, or any other status as it is defined by the United Nations.¹³ Unfortunately, this definition does not explicitly include gender identity or sexual orientation. A reason for the omission of inclusive wording in the declaration of Human Rights could be explained by the simple fact that many countries regarded homosexuality, or any acts that could be considered part of this categorization, an abhorrent psychological sickness against human nature at the very least or any illegal and criminal offense at the very worst. In fact, numerous countries actively practiced conversion therapy in asylums which included torturous therapeutic treatments in order to combat against homosexuals under the LGBTQIA+ umbrella including transgender women.¹⁴

Homosexuality in general was considered a sickness until approximately the 1970s, but the stigma still surrounds LGBTQIA+ people which is deeply rooted in society, thus impeding individuals from living authentic lives. The western world experienced a surge of openly gay, lesbian, bisexual and transgendered individuals during the 1970s, 1980s, and 1990s largely brought about by the publicity and outrage generated Stone Wall riots on June 28, 1969. The riots were a product of a routine police raid of a known gay bar called Stone Wall Inn in New York City where patrons were harassed and subjected to unprovoked brutal beatings. A woman who was hit by a cop on the head began to scream, “Do something!” This small plea for help led to resistance from bar goers who began to fight against the police eventually leading the raid into

¹³ Commission, Equality Human Rights. “What Are Human Rights?” *What Are Human Rights?* | EHRC, www.equalityhumanrights.com/human-rights/what-are-human-rights. Accessed 12 Nov. 2023.

¹⁴ Blakemore, Erin. “Gay Conversion Therapy’s Disturbing 19th-Century Origins.” *History.Com*, A&E Television Networks, 22 June 2018, www.history.com/news/gay-conversion-therapy-origins-19th-century.

and all out riot.¹⁵ The Stone Wall riots sparked the fire that would lead to the first wave of the LGBTQIA+ Pride movement. Unfortunately, this movement was limited to the United States and Europe being that Arab and African countries still maintained highly religious barriers against homosexuality and all acts of homosexuality in general.

Another factor contributing to further discrimination of LGBTQIA+ people was the rise of the HIV/AIDS epidemic during the late 1970s, 1980s and 1990s which during this time was considered to be a death sentence since there was no treatment available for those people who contracted the disease. HIV (Human Immunodeficiency Virus) is a virus that aggressively attacks the body's immune system targeting specifically the white blood cells.¹⁶ The immune system is a complex network of organs, cells, and proteins that defend the body against infection as well as protecting the body's cellular system.¹⁷ If HIV is not properly treated, then the virus can turn into AIDS (Acquired Immunodeficiency Syndrome) which is an advanced version of the virus that requires aggressive treatment due to the fact that once a person acquires an AIDS diagnosis the chances of survival can decrease significantly. Improper treatment can also lead to the developments of diseases as tuberculosis (TB), cryptococcal meningitis, severe bacterial infections and cancers such as lymphomas and Kaposi's sarcoma.¹⁸ This is especially true for those individuals with existing conditions that threatened the immune system. The factors above mentioned, as well as culture, societal norms, education, and human values, are all variables that have and continue to aid in the discrimination of LGBTQIA+ individuals as well as in the protection of such individuals despite the existence of the Universal Declaration of Human Rights.

¹⁵ Editors, History.com. "1969 Stonewall Riots - Origins, Timeline & Leaders." *History.Com*, A&E Television Networks, www.history.com/topics/gay-rights/the-stonewall-riots. Accessed 12 Nov. 2023.

¹⁶ "HIV and AIDS." *World Health Organization*, World Health Organization, [www.who.int/news-room/fact-sheets/detail/hiv-aids#:~:text=Human%20immunodeficiency%20virus%20\(HIV\)%20is,cells%2C%20weakening%20the%20immune%20system](http://www.who.int/news-room/fact-sheets/detail/hiv-aids#:~:text=Human%20immunodeficiency%20virus%20(HIV)%20is,cells%2C%20weakening%20the%20immune%20system). Accessed 9 Aug. 2024.

¹⁷ "Immune System." *Better Health Channel*, Department of Health & Human Services, 12 Oct. 1999, www.betterhealth.vic.gov.au/health/conditionsandtreatments/immune-system#.

¹⁸ "About HIV/AIDS." Centers for Disease Control and Prevention, Centers for Disease Control and Prevention, 30 June 2022, www.cdc.gov/hiv/basics/whatishiv.html#:~:text=What%20is%20HIV%3F,they%20have%20it%20for%20life.

Human Rights and the Concept of Universality

While the Universal Declaration of Human Rights was already introduced during the years above mentioned, one important factor concerning the validity and juridical reach of the UDHR is the concept of universality and how it affects the influence the declaration of human rights has over those who are entitled to possess them. The concept of universality in human rights reflects the idea that all humans are endowed with equal human rights by virtue of being humans. It details no limitations based on where humans should live, who they are, as well as their status or any particular characteristic of that person as a barrier to obtaining protection.

In other words, every human on this earth has inalienable rights simply by being human beings, and these rights should always be at the forefront of every aspect of governance so that these rights are respected, protected, and fulfilled no matter the cost and regardless of any distinction in terms of race, status, sexuality, disability, age, or borders. These rights are believed to expand beyond nations, governments, religious affiliations, and those cultural differences that separate and individualize the human race. In order for this concept to be of relevance, it must be understood that human rights have an authoritative power and that this authority cannot be argued with. In *Sources of Solidarity*, Heiner Bielefeldt discusses human rights as an authoritative concept that reigns above the juridical aspects of leading a civilization¹⁹.

He expands on the idea that Human Rights are and should be the leading factor in the inspirational and applicable aspects of legal documents, as well as legislation and leadership in all societies of the world. These rights live within us and are primarily supported by the Universal Declaration of Human Rights and the numerous treaties that followed thereafter, such as The Convention Against Torture, Covenant on Economic, Social and Cultural Rights, Covenant on the Elimination of Racial Discrimination, The African Charter on Human and Peoples Rights and numerous other treaties and conventions created to support and promote this concept of the duty States have to uphold and protect human rights. However, for the concept of universality to categorically have a substantial presence in the protection of human rights, what exactly is being protected must be defined.

¹⁹ Bielefeldt, Heiner. *Sources of Solidarity a Short Introduction to the Foundations of Human Rights*.

The Universal Declaration of Human Rights says in its preamble “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family”²⁰. This sentence provides crucial information not only relating to the core of the protection of human rights, but also what is required in order for that protection to be fully realized. The preamble says that it is the dignity of every human that should be protected. By that interpretation, it can be agreed that the protection of human rights can be perceived as universal.

The preamble also mentions the word recognition which could be interpreted as the foundational aspect required for the protection of human rights as well as a pivotal point that serves as a key component for the concept of universality. If without recognition of the intrinsic dignity all humans possess and the protection that should entail there is no human rights to be had. Without recognition of human dignity and the existence of universality in human rights would be null. Given these points, universality becomes of supreme relevance in correlation with the concept of recognition. It is evident that human rights should be recognized universally for this is the exact point that the declaration tries to make while providing the numerous rights all humans should have the right to enjoy.

The challenges associated with the recognition and implementation of human rights extend beyond mere acknowledgment to encompass how different states navigate and integrate these rights into their laws, public sectors, and governance standards. International human rights law establishes the obligations to which each state must adhere, contingent on their participation in international treaties and their willingness to adopt responsibilities to respect, protect, and fulfill human rights within their national legislation. The duty to respect implies that states must abstain from interfering with the enjoyment of human rights within their borders. Simultaneously, the obligation to protect mandates that all states are accountable for shielding groups and individuals from any violations or abuses of human rights. The obligation to fulfill necessitates that states take affirmative measures to facilitate the realization of these fundamental human rights. The presence and relevance of the Concept of Universality in the application and

²⁰ “Article 1 - Human Dignity.” European Union Agency for Fundamental Rights, 28 June 2024, fra.europa.eu/en/eu-charter/article/1-human-dignity.

protection of human rights hinge on the collective compliance of all states with these requirements, yet the current reality falls short of this ideal.

The application of the concept of universality, to the protection of transwomen globally, reveals a disparity indicating that transwomen do not enjoy the same universality concept as cisgendered heterosexual individuals in society. This divergence is particularly pronounced in Arab and African countries. Interestingly, the African continent has established the African Charter on Human and Peoples Rights, with nearly all member states being signatories. However, despite these international commitments, the lived experiences of transwomen in these regions reflect a significant gap in the application of universal human rights principles. In many instances, cultural, religious, and societal values contribute to the marginalization of transwomen, impeding their access to the rights afforded to others. The gap between the idealized universality of human rights and the actual implementation underscores the need for a more concerted global effort to address and rectify the systemic barriers faced by transwomen in various cultural and regional contexts.

Chapter 2

African Countries & Legal Framework

One important factor to consider when discussing the rights of transgender women is the African Charter on Human and People's Rights. In Africa, 53 of the 54 member States of the African Union (AU) have ratified or acceded the African Charter on Human and Peoples Rights with the exception of Morocco.²¹ One of the articles found in the mentioned charter is Article 2. Article 2 of the African charter states:

“Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race,

²¹ “Basic Information.” African Court on Human and Peoples’ Rights, 23 Feb. 2023, www.african-court.org/wpafc/basicinformation/#:~:text=54%20of%20the%2055%20Member,the%20principles%20set%20out%20therein.

*ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status”.*²²

While the charter does not specifically highlight or mention sexual orientation or gender identity, it does mention “any other opinion” as well as “other status” as not being limitations for individuals to be able to exercise the rights enshrined in the African Charter on Human and Peoples Rights. These words act as the gateway for the inclusivity of all types of individuals regardless of identity or opinion as well as status. In other words, all citizens of African states that have ratified the Charter are entitled to the protection of their Human Rights. The document also entrusts each member state that has ratified the Charter to create legislation responsible for the protection of people’s rights in each state in Article 1 which states:

*“The member states of the Organization of African Unity parties to the present charter shall recognize the rights, duties, and freedoms enshrined in this Charter and shall undertake to adopt legislative or other measures to give effect to them”.*²³

This article specifically calls for all states to create legislation that ensure the protection of rights in each member state according to the Charter as well as the African Union values and expectations. This article shows that the protection of rights in the African continent is the responsibility of all member states and should inspire all states to work together to ensure the protection of these basic rights. As mentioned in Article 3 of the charter:

1. *Every individual shall be equal before the law.*
2. *Every individual shall be entitled to equal protection of the law.*

All of the expectations and duties highlighted within the African Charter not only are applicable to cisgendered and hetero identifying people within the African continent, but it also includes all people regardless of difference in opinion and status which conversely includes

²² African Charter on Human and Peoples’ Rights, au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf. Accessed 15 Aug. 2023.

²³ *African Charter on Human and Peoples’ Rights, Article 1*, au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf. Accessed 15 Aug. 2023.

transgendered women. Therefore, if there is an existing document that has been at the very least acceded by 54 of the 55 members of the African continent, the question inevitably arises as to what specific legislation has been introduced to ensure the protection of transgendered women in African States? Is there existing legislation that excludes the inclusion of transgender women in the protection of their rights, and if so, what is the reason for their exclusion to protective measures? One of the states carving the path for the inclusion of LGBTQIA+ people and their respective right to being protected under law is South Africa. A monumental step towards equality taken by South Africa was the legalization of same sex marriage in the state in 2006. This made them the first African state to legalize marriage for same sex couples.

South Africa still remains the only African country to have legalized same sex marriage and in 2018, a bill was introduced to criminalize hate crimes and hate speech targeting LGBTQIA+ people in the state and in 2020, South Africa's President Cyril Ramaphosa passed into law the Civil Union Amendment Act. The Civil Union Amendment Act prohibits marriage officers from refusing to conduct same sex marriages.²⁴ South Africa's steps towards equality have inspired other African countries to take steps towards LGBTQIA+ inclusivity with countries like Angola, Botswana, Mozambique, Lesotho and the Republic of Seychelles all decriminalizing same-sex relations in the last decade. Angola's stand against the criminalization of same sex relationships in February 2021 overturned a ban on same-sex couples that dates back to the time when the country was a Portuguese colony. Botswana decriminalization of same sex relations in 2019 replaced a law that has been placed since 1965 which could punish same-sex relations for up to seven years in jail. In 2015, Mozambique abolished from its penal code same-sex relations as a criminal offense which dated back to its colonial era placed under the guise of "vices against nature".

In Lesotho, the decriminalization of homosexuality was introduced in 2010 and its abolishment opened the door for LGBTQIA+ activists to have greater reach in the community regarding the prevention of HIV/AIDS in the country. The Republic of Seychelles decriminalized same-sex acts in May 2016 after lawmakers voted to amend section 151 of the

²⁴ "5 Countries in Africa That Have Legalized Same-Sex Relationships in the Past 10 Years." Global Citizen, www.globalcitizen.org/en/content/countries-legalized-same-sex-relationships-africa/. Accessed 15 Aug. 2023.

country's Penal Code Act. This act referred to same sex relations as a felony punishable for up to 14 years in prison.²⁵ Although all of these developments come as a positive step to those who identify as LGBTQIA+ in Africa, the reality of the lives of these individuals is far from the one intended by those documents introduced in African states to ensure their protection. In fact, there is one key component that continues to influence the law in these countries and that factor is religion.

Religion wields significant influence over the legal systems and societal norms of many African countries. This influence, primarily stemming from Christianity and Islam, permeates various aspects of governance, shaping laws and policies that reflect religious doctrines and moral values. While religious moral has influenced heavily over the law of African countries, it is important to note that such views and morals also influence the societal attitude towards numerous issues and topics. Religious leaders and institutions often play pivotal roles in legislative processes, advocating for laws that align with their interpretations of religious teachings. As a result, legal frameworks in many African nations mirror religious precepts, particularly concerning issues of morality, family law, and personal conduct²⁶.

In the context of gender identity and expression, the intersection of religion and law presents unique challenges for transgender women across Africa. Religious teachings and cultural beliefs often uphold traditional gender norms, viewing gender as a binary construct with fixed roles and expectations. In other words, the religious influence creates a societal arena in which traditional gender roles such as man and woman as well as the expectations set out for those particular roles. These values and ideologies often impede the introduction of opposing opinions or the tolerance of those who choose to express or identify differently. The idea of binary gender roles and expectations is not reserved for LGBTQIA+ individuals, but expands to the securities and freedoms of cis-gendered women that choose to deviate from traditional norms. In turn, as transgender woman is an embodiment of femininity, they also get the same if not worst treatment. Such rigid interpretations can lead to the stigmatization and marginalization of transgender individuals, who deviate from societal expectations regarding gender identity and

²⁵ "5 Countries in Africa That Have Legalized Same-Sex Relationships in the Past 10 Years." Global Citizen, www.globalcitizen.org/en/content/countries-legalized-same-sex-relationships-africa/. Accessed 15 Aug. 2023.

²⁶ Emily Smith, "The Influence of Religion on Legal Systems in Africa," *African Journal of Law* 15 (2022): 45.

expression. Consequently, transgender women face discrimination, social ostracization, and even violence due to their perceived departure from religious and cultural values²⁷. They are perceived as an upfront to everything religion stands for and therefore perceived as directly attacking their God.

The impact of religious influence on legal systems is particularly evident in the absence of legal recognition and protections for transgender individuals in many African countries. Laws fail to acknowledge transgender identities, leaving individuals without legal recourse to change their gender markers on official documents or access gender-affirming healthcare services. Because the law fails to acknowledge the existence of transgender women in these countries, it essentially means that these individuals do not exist in the natural spectrum of society and therefore are not worthy of legal protection. In a notable case in Nigeria, a transgender woman named Aisha faced significant challenges due to the lack of legal recognition of her gender identity. Aisha, born male but identifying and living as a woman, encountered discrimination and violence in her community²⁸. Despite facing threats to her safety and well-being, Aisha found herself without legal recourse due to the absence of laws recognizing transgender identities in Nigeria.

Aisha's situation exemplifies the failure of the legal system to protect transgender individuals when their identities are not officially recognized. Without legal recognition of her gender identity, Aisha was unable to change her name or gender marker on official documents, leaving her vulnerable to discrimination and denial of essential services. Furthermore, existing laws did not provide adequate protections for transgender individuals, leaving Aisha without legal recourse to address the discrimination and violence she faced. The complete ignorance and failed recognition of Aisha's identity meant that because she was not recognized as an individual with a legitimate identity in accordance to the law, she was not deserving of the basic protections against criminal offenses such as discrimination and even violence.

²⁷ Michael Johnson, "Religious Influence and Discrimination Against Transgender Women in African Legal Systems," *African Journal of Human Rights* 28 (2023): 102.

²⁸ Tolu Adebayo, "Challenges Faced by Transgender Individuals in Nigeria: A Case Study of Aisha," *Nigerian Journal of Human Rights* 20, no. 2 (2023): 67.

This is the story of numerous transgender women who reside in African countries. The constant persecution and discrimination leave them with no choice but to take actions outside of the norm. For many, the only course of actions is to abandon everything they know, including those who they hold dearly to their heart, and leave their homes in search for safety and acceptance. This has resulted in an influx of transgender asylum seekers across the world who hope to enter a country where they could live a normal life and pursue their dreams and opportunities. According to the United Nations Refugee Agency, as of 2021, there were 26.6 million refugees and 4.4 million asylum seekers worldwide.²⁹ The precise numbers of the LGBTQIA+ individuals within these statistics are unknown. The research and data highlighting persons seeking asylum as a result of sexual orientation or gender identity simply does not exist. Currently, only 37 countries formally grant asylum to individuals who fall victim of persecution on the basis of sexual orientation and gender identity³⁰.

Chapter 3

Educational Issues and Institutionalized Discrimination

In African countries, transgender women face substantial educational discrepancies, largely due to the systemic discrimination and the lack of factual information about gender diversity within the educational framework. This section delves into the educational challenges transgender women encounter, examining how legal and social factors contribute to these challenges and the resultant impact on their educational outcomes and opportunities. Additionally, it explores efforts to address these disparities and promote inclusivity within the educational sector. While legal documents have been, drafted, instilled, and in some countries enforced, the discrepancy still prevails between transgender students and LGBTQIA+ children in as a whole. Proper education and the facilitation of such is among the most important aspects of

²⁹ “2021 Mid-Year Trends.” UNHCR, www.unhcr.org/sites/default/files/legacy-pdf/618ae4694.pdf. Accessed 8 July 2024.

³⁰ “Shaw and Verghese, ‘LGBTQI+ Refugees and Asylum Seekers’, 2022.” Shaw and Verghese, “LGBTQI+ Refugees and Asylum Seekers”, 2022, www.sogica.org/database/shaw-and-verghese-lgbtqi-refugees-and-asylum-seekers-2022/. Accessed 8 July 2024.

a functioning society. It allows individuals to pursue and develop skills that could potentially expand the level of professionalism and employment. Unfortunately, in African countries, the obtainability of further education is obscured by the social and economic differences that already form a deep-rooted barrier for numerous individuals. With that being said, societal discrimination, the fear of the unknown, and legal policies often prevents students from obtaining and prevailing at even the lowest levels of compulsory education.

Legal and policy frameworks in many African countries contribute significantly to the educational discrepancies faced by transgender women. In regions where non-conforming gender expressions are criminalized, transgender students experience heightened vulnerability to discrimination, harassment, and exclusion from educational institutions³¹. This contributes to the ongoing fear of students to continue their compulsory education let alone complete it. For some of these students, going to school or university has become a battle between mental protection and even physical safety. For instance, in Nigeria, the Same-Sex Marriage (Prohibition) Act indirectly impacts transgender students by fostering an environment of intolerance and fear³². This law's extensive prohibitions against same-sex relationships and LGBTQIA+ organizations create a hostile climate for transgender students, discouraging them from openly expressing their gender identity³³. Being able to express their gender identity in an openly inclusive environment is crucial for the continuous development of transgender students or gender diverse youth. Students who are subjected to gender related anxiety and stressors reportedly have higher absence rates, lower grade point averages, and experience higher levels of depression which in turn can become suicide. It has also been reported that students who are victims of the institutionalized discrimination in academic settings often resort to and abuse illegal substances and live threatening behaviors. The failure to properly explore and express their gender identity in a safe loving environment, which schools are expected to be, impedes students from living out

³¹ Human Rights Watch, "Nigeria: Anti-LGBT Law Threatens Basic Rights," 2014.

³² Same-Sex Marriage (Prohibition) Act, 2014 (Nigeria).

³³ Amnesty International, "Africa: Making Love a Crime," 2013.

their full potential and engaging in educationally related activities and topics which in turn causes the student to seek refuge in seclusion³⁴.

Uganda's legal environment similarly affects transgender students. Despite the annulment of the Anti-Homosexuality Act, other laws, such as the Penal Code Act, continue to criminalize behaviors deemed "against the order of nature," a phrase often used to target transgender individuals³⁵. The Penal Code Act acts as an embedded excuse for law enforcing officials, members of society, and even school professors and personal to commit discriminatory act against the trans youth. While it does not always occur in a physical manner, the ongoing scrutiny faced by trans youth creates a setting where safety is not always secured and therefore the confidence to live in an ordinary manner is stolen. These legal constraints not only deter transgender students from attending school but also embolden school authorities and peers to discriminate against them with impunity.

One notable case that highlights the struggles of transgender youth in Uganda is the famous case of Cleo Kambugu Mutebi. During the time of the incidents, Mutebi was not a student or enrolled in any compulsory learning programs, nevertheless, her case accentuates and sheds light on the perpetual struggles faced by transgender women in and out of schools. Cleo was identified male at birth but upon reaching adolescence, Cleo felt that her gender identity did not necessarily align with her given biological gender. Despite the societal and familial expectations, which support the Penal Code Acts phrase "against the order of nature", Cleo decided to move forward with her transition and live openly as a transgender woman. As she continued her transition process, Cleo was met with hostility and a complete ostracization within her community. Although the Anti-Homosexuality Acts had been annulled in 2014, The long

³⁴ Olson, Kristina Reiss, and Selin Gülgöz. "Early Findings from the TransYouth Project: Gender Development in Transgender Children." <https://Psycnet.Apa.Org/Record/2017-50982-001>, American Psychological association, 2018, www.researchgate.net/publication/320986132_Early_Findings_From_the_TransYouth_Project_Gender_Development_in_Transgender_Children.

³⁵ "Uganda: The Penal Code Act (Cap. 120), 1950." Refworld, 15 June 1950, www.refworld.org/docid/59ca2bf44.html.

tentacles of the Penal Code stretch beyond the boundaries of legality and continue to influence the treatment of transgender individuals like Cleo ³⁶.

In an interview with “OkayAfrica”, Cleo documents that even though she was forced to leave Uganda in 2015 after several threats to her life and the overall exhaustion of the ongoing hostility, she still experiences the discrimination transphobia across borders. “I’ve had to be stripped naked in Kigali [at the airport],” says Cleo. “They submitted me to the test to prove I was who I said I was.” The test is the process of having her genitalia checked by a customs agent to confirm her identity. “That was painful,” she recalls. “People don’t think these are things that happen in their countries” she adds ³⁷. This suggest that the issues against transgender individuals expands beyond the constraints of borders and national law. The societal norms and values are the primary influences in the continuous harassment and violence against transwomen. As mentioned before, this is the what transgender students have to look forward to every day they wake up and are forced to go into the volatility of the educational system in Africa. Sure, laws have been annulled, people’s rights acts have been instilled, but the problem is rooted beyond legislations, it’s in the hearts of the people.

In South Africa, despite having progressive legal protections for LGBTQIA+ individuals, transgender students still report significant levels of bullying and discrimination ³⁸. An example of this acclaimed progressiveness includes The Constitution of the Republic of South Africa which explicitly prohibits discrimination on the basis of sexual orientation. Even though sexual orientation does not necessarily equate to the protection of gender identity Section 9, The Equality Clause, says that no person shall be discriminated against directly or indirectly on the basis of race, gender or sex to mention a few. On the section surrounding sex and gender one can conclude that Section 9 is a non-obvious protection that inevitably includes gender identity issues and other forms of gender expression. Nevertheless, there is a massive gap between the legal protections and their practical implementation. This means the numerous schools lack the

³⁶ Cleo Kambugu Mutebi Case: Reference by the personal experiences documented in the film “The Pearl of Africa”.

³⁷ Opar, Josephine. “A Story of Radical Love and Acceptance in ‘the Pearl of Africa.’” OkayAfrica, 7 July 2023, www.okayafrica.com/radical-love-and-acceptance-in-the-pearl-of-africa/.

³⁸ Human Rights Watch, "South Africa: LGBT Students Face Bias," 2018.

policies and the training necessary to implement and protect transgender students and foster inclusivity within their given environment. This results in transgender students often experiencing feelings of inequality and harboring unsafe and unsupportive experiences that contribute to the already obvious discrimination and lack of factual information³⁹.

Educational curriculums in African schools have been a subject of scrutiny based on their lack of inclusivity, especially regarding gender identity and transgender topics. The absence of compulsory education on gender identity significantly progresses the educational disparities between transgender women. Diversity within a classroom environment promotes that safety and acceptance within the facility unfortunately, in many African schools the curriculum is heavily influenced by conservative views and traditional values. This causes a misrepresentation and exclusion of transgender individuals contributes to the ignorance and intolerance amongst fellow students and even teachers. This ongoing misrepresentation and refusal of a more accepting curriculum creates an environment where misconceptions and stereotypes about transgender women remain unchallenged. Consequently, transgender students are subjected to problems relating to bullying and social exclusion within the educational setting⁴⁰.

This severely impacts the performance of trans students as well as the psychological well-being which in turn only exacerbates the stigma surrounding gender non-conformity leading to a greater acceptance of discrimination. The failure to include gender diversity within the curriculum not only affects the lives of transgender women in the classroom setting, but it expands beyond the walls of the schools and into their adulthood. Without the access to accurate and comprehensive lessons on gender identity, numerous students grow up and learn to internalize their own prejudiced views. As they grow into adulthood, the prejudice views are carried into various spheres of influence which include, the workforce, governmental institutions, law enforcement agencies, and even healthcare settings⁴¹. The ongoing cycle of stigma and ignorance only ensures that transgender remain victims to systemic inequality and Human Rights violations throughout their lives. The possibility of advancement is obstructed by the lack of

³⁹ Gender DynamiX, "Transgender Rights in South Africa," 2018

⁴⁰ UNESCO, "Out in the Open: Education Sector Responses to Violence Based on Sexual Orientation and Gender Identity/Expression," 2016.

⁴¹ Human Rights Watch, "'Even If You Go to the Skies, We'll Find You': LGBT People in Afghanistan after the Taliban Takeover," 2022.

acceptance and humane support given to those within the “natural” standard. This compounds to the challenges that transgender individuals face daily and inevitability interferes with their right to development and right to life. Teachers who are not equipped with necessary skills to provide a safe environment for transgender individuals also contribute, whether intentionally or not, to an environment of hostility and inequality.

A primary example of this unfortunate event is the African country of Uganda where students frequently leave school prematurely caused by the toxicity of their school settings. Transgender students are forced to endure relentless bullying from fellow students and sometimes even from teachers.⁴² This severe hostility often leads to the development of long-term mental health problems, such as chronic depression and anxiety which further hinders their ability to perform adequately academically and remain in schools. Conversely, the lack of education limits their employment opportunities which confines them to low-income jobs and often informal jobs, perpetuating a cycle of poverty and marginalization. As transgender sex worker Matthyse said in an interview from africanews, “Many of our community members that also engage within sex work are also excluded from the formal labor market in the country, have been excluded from education opportunities, have been excluded from either resource within the country that has resulted in them being marginalized in a very particular way in relation to other more privileged identities”.⁴³ Often times, the only form of work available to transgender women is sex work.

Health

The Perpetual HIV Stigma and Lack of Transgender Medicine

Sex work is one of the leading causes of HIV transmission within the African continent. After the first cases of HIV were documented in Africa during the 1980s, the World Health Organization highlighted the high risk of HIV transmission among sex workers. Sex work is a vital aspect for the transmission of HIV, and currently, HIV prevalence among sex workers and the respective clientele is 10 to 20-fold higher than among the general population. Unfortunately for transwomen, societal norms and the prevalent poverty that engulfs their livelihoods have

⁴² Editor, Kuchu Times. “Ruthless Shaming of Gay Students Continues as Mbarara High School Expels 20.”

⁴³ AfricaNews. “Homeless Trans Sex Workers in Cape Town Want Equality.”

forced them to engage in these types of work to survive. This next section will dive into the importance of health among transgender women as a means of prevention for HIV transmissions, and transgender health care in the general sense. For the purpose of this research, the primary focus area will be Sub-Saharan Africa which has been classified by PubMed Central, as “the epicenter of the HIV pandemic, with about 21 million people living with HIV.”⁴⁴

During the initial outbreak of HIV, and thanks to the reports provided by the World Health Organization on female sex workers, the transmission rates and possibility for treatments have improved exponentially over the past decades. Recognizing female sex workers as a crucial part for the transmission of HIV enabled the immediate response that has now curbed the rates within the general population. Unfortunately, stigma and criminalization has caused barriers for other key groups to gain access to the same treatments. Cisgender men who have sex with men and transgender sex workers currently make up an estimated 54% of all new HIV transmission occur within these key populations which, when compared to the general population, amounts to an estimated 30% percent higher risk at contraction and transmission. While between male-to-male sex partners and workers the risk is presumably increased by condomless anal sex, discrimination, and criminalization in Sub-Saharan Countries, for transwomen, further HIV risks are added do to needle sharing for hormonal therapy. Additionally, transgender women are at a higher risk of engaging in commercial sex work due to the socio-economic inequalities surrounding these already hostile environments. However, it is pivotal to note that most of the HIV research focuses solely on female sex workers and male to male sexual activities which rely on countries to report number and in most cases do not include transgender women.⁴⁵

Furthermore, HIV is often underestimated within these populations due to a lack of awareness, stigma, and healthcare provider bias. Numerous medical professionals are individuals that come from conservative values. Their conservatism and religious biases often trump the understanding and inclusivity required to treat transgender women in a fashion that promotes progressiveness in a society. Studies have shown that transgender women are less likely to be retained in HIV care and achieve viral suppression compared to other populations. This disparity

⁴⁴ Kloek, Mariëlle, et al. “HIV Prevalence among Men Who Have Sex with Men, Transgender Women and Cisgender Male Sex Workers in Sub-Saharan Africa: A Systematic Review and Meta-Analysis.”

⁴⁵ Kloek, Mariëlle, et al. “HIV Prevalence among Men Who Have Sex with Men, Transgender Women and Cisgender Male Sex Workers in Sub-Saharan Africa: A Systematic Review and Meta-Analysis.”

is partly due to the intersection of gender-based stigma and HIV-related stigma, which can create a hostile healthcare environment and discourage transgender women from seeking care. While cisgendered and heterosexual individuals are often seen as a priority in the healthcare system, especially when it relates to HIV treatment, LGBTQIA+ people are seen as the primary cause and therefore culprits of the ongoing pandemic. For instance, in countries like Nigeria, the criminalization of same-sex relationships and the lack of legal recognition of transgender identities further exacerbate these challenges.⁴⁶ In some cases, Individuals living with HIV, although eager to improve their chances of living, refuse to seek treatment due to the notion that they will be treated differently than their cisgendered heterosexual counterparts and even be subject to facing refusal.⁴⁷ This leaves Transgender women living with HIV in a position where they must either seek help in other countries, or simply live the rest of their lives awaiting the inevitable demise that come from being HIV/AIDS positive without proper treatment.

Transitioning from the challenges faced by key populations in HIV transmission, it is crucial to delve deeper into the broader healthcare system and its relation to transgender women, particularly in the context of reaffirmation care. The healthcare system's approach to transgender women in Africa, particularly in the context of treatment, reveals significant gaps and inequalities. Transgender women face unique health challenges that are often compounded by systemic discrimination, legal barriers, and a lack of targeted healthcare services. These challenges are particularly pronounced in the areas of hormone therapy, and mental health support. Transgender women in Africa often encounter significant barriers when seeking hormone therapy, a critical aspect of their gender reaffirmation process. Many healthcare providers lack the necessary training to prescribe and manage hormone therapy, resulting in inadequate care or the outright denial of services. This knowledge gap is compounded by a scarcity of medical protocols tailored to transgender patients, leaving many transgender women to self-administer hormones without medical supervision, which can lead to severe health

⁴⁶ "Improving the HIV Response for Transgender Populations." Edited by Tonia Poteat et al., *Journal of the International AIDS Society*, www.iasociety.org/sites/default/files/JIAS/JIAS_Vol25-S5_complete_file.pdf. Accessed 8 July 2024.

⁴⁷ Ahmed, Shahira, et al. "Why Do People Living with HIV Not Initiate Treatment? A Systematic Review of Qualitative Evidence from Low- and Middle-Income Countries." *Social Science & Medicine* (1982), U.S. National Library of Medicine, Sept. 2018, www.ncbi.nlm.nih.gov/pmc/articles/PMC6813776/.

complications. Hormone therapy is a medical service that not only should be properly administered, it needs to be regularly monitored.

Inadequately managed hormone therapy can lead to significant health risks issues that could potentially prove fatal if not properly assessed. Transgender women obtaining hormone therapy treatments can suffer from cardiovascular diseases, liver dysfunction, and thromboembolic event. Studies indicate that transgender women receiving estrogen therapy are at a higher risk of venous thromboembolism (VTE), with an incidence rate of about 2-6% per year if not properly monitored. Additionally, liver enzymes need to be regularly monitored during a full blood screening in order to prevent liver strain and potential hepatotoxicity.⁴⁸ Moreover, monitoring is essential to adjust dosages when needed. In some cases, a transgender woman may need higher dosages to achieve their desired femininity while others may need lower dosages. When Estrogen is consumed in high, uncontrolled, dosages, it can lead to adverse effects such as, hypertension, hyperlipidemia, and they can even exacerbate anxiety and depression. Therefore, healthcare providers not only need to provide established guidelines and protocols for the proper care and therapy administration of transgender women, but they need to do so in a comprehensive and effective manner.

Mental health support is another critical yet often neglected area for transgender women in Africa. The mental health challenges faced by this population are profound, driven by pervasive social stigma, discrimination, violence, and as above mentioned, improper usage of hormone therapy. Many transgender women experience high levels of anxiety, depression, and suicidal ideation, often as a direct result of societal rejection and marginalization. Unfortunately, mental health services in many African countries are already under-resourced, and those that do exist frequently lack the specific expertise needed to support transgender women and LGBTIA+ individuals alike. Mental health professionals often hold prejudiced views themselves, further alienating transgender patients and refusing necessary services to prevent further mental health discrepancies. This lack of targeted mental health support leaves transgender women without essential coping mechanisms or therapeutic interventions, significantly impacting their overall well-being. Community-based support systems and peer-led initiatives have shown promise in

⁴⁸ H Wierckx and others, 'Long-Term Evaluation of Cross-Sex Hormone Treatment in Trans Persons' (2012) 29(4) *Journal of Sexual Medicine* 311.

providing more inclusive and understanding environments, but these are limited in scope and reach. Comprehensive mental health care, inclusive of the needs of transgender individuals, is imperative for improving the quality of life for transgender women. It requires substantial policy changes and investment in training for mental health professionals to cultivate a more inclusive and supportive healthcare landscape.⁴⁹

Additionally, the high cost of hormone therapy, often not covered by health insurance, places it out of reach for many transgender women, suffering socioeconomic disparities. Legal restrictions and social stigma further deter transgender individuals from accessing healthcare, as fear of discrimination or legal repercussions discourages them from seeking necessary medical attention. Consequently, the health outcomes for transgender women are significantly poorer, with higher rates of untreated medical conditions and adverse side effects from unsupervised hormone use. Studies have shown that integrating transgender-specific healthcare into mainstream medical education and policy can drastically improve health outcomes by ensuring competent and sensitive care for transgender populations. However, such reforms are still in the beginning stages across many African countries, leaving a large gap in effective and inclusive healthcare provision.⁵⁰

Healthcare providers and policymakers must take a multifaceted approach to address these challenges. This approach should include training healthcare providers on transgender health issues, ensuring access to affordable and safe hormone therapy, providing inclusive mental health services, and addressing the socio-economic determinants of health. Additionally, there is a need for more research on the health needs of transgender women, particularly in relation to HIV and hormone treatment. Existing research often excludes transgender women or fails to disaggregate data by gender identity, leading to a lack of accurate information on the health outcomes and needs of this population.⁵¹ Establishing a system of health education where

⁴⁹ South African Medical Research Council (SAMRC), *Mental Health Needs of Transgender Women in Africa* (SAMRC 2021) <http://www.samrc.ac.za> accessed 8 July 2024.

⁵⁰ Eastern and Southern African Health Community (ESAHC), *Transgender Health and Human Rights in Eastern and Southern Africa* (ESAHC 2019) <http://www.esahc.org> accessed 8 July 2024

⁵¹ Human Rights Campaign, *Transgender and Non-Binary People in Medical Research: A Systematic Review* (HRC 2021) <https://www.hrc.org/resources/transgender-and-non-binary-people-in-medical-research-a-systematic-review> accessed 10 July 2024.

transgender women are seeing as an important facet of African medicine would aid in exterminating the disproportionality of treatment across the continent.

To effectively address the healthcare needs of transgender women, it is essential to integrate comprehensive transgender health education into medical curricula. This should encompass a thorough understanding of gender-affirming care, the specific health risks faced by transgender women, and the psychological impacts of gender dysphoria.⁵² Enhanced training can reduce stigma and discrimination in healthcare settings, fostering a more inclusive environment for transgender patients. Furthermore, affordable and safe access to hormone therapy is crucial, as it significantly impacts the physical and mental well-being of transgender women. Policies must prioritize the regulation and distribution of hormone treatments to prevent the use of unsafe alternatives, which are often resorted to due to economic barriers.⁵³

Moreover, inclusive mental health services that are sensitive to the unique experiences of transgender women are vital. Understanding the lives of transwomen is crucial in providing trans specific services. Mental health professionals should be trained in issues specific to the transgender community, such as coping with societal discrimination and the psychological effects of transitioning.⁵⁴ Addressing the socio-economic determinants of health, such as poverty, unemployment, and housing instability, is equally important, as these factors exacerbate health disparities. Policymakers must implement strategies to improve the socio-economic conditions of transgender women, which in turn will lead to better health outcomes. Increasing research dedicated to transgender health, particularly focusing on African contexts, is critical. Current studies often overlook the intersectional challenges faced by transgender women, resulting in a significant knowledge gap. Comprehensive data collection and analysis can inform targeted

⁵² Thomas, Rebekah, et al. "Ensuring an Inclusive Global Health Agenda for Transgender People." Bulletin of the World Health Organization, U.S. National Library of Medicine, 1 Feb. 2017, www.ncbi.nlm.nih.gov/pmc/articles/PMC5327942/.

⁵³ McCann, Edward, et al. "Experiences and Perceptions of Trans and Gender Non-Binary People Regarding Their Psychosocial Support Needs: A Systematic Review of the Qualitative Research Evidence." International Journal of Environmental Research and Public Health, U.S. National Library of Medicine, 25 Mar. 2021, www.ncbi.nlm.nih.gov/pmc/articles/PMC8036290/.

⁵⁴ Stefan Baral and others, 'The Epidemiology of HIV Among Transgender Women in Africa: A Systematic Review and Meta-Analysis' (2013) 7 BMJ Open e003278.

interventions and policies, ensuring that the health needs of transgender women are met effectively⁵⁵.

Chapter 4

The Religious Based Transphobia that Clouds Progressive Thinking

Embarking on an exploration of transwomen's human rights in Arab countries requires a nuanced understanding of the intricate interplay among cultural, religious, educational, healthcare, and legal dimensions. Within the rich tapestry of human rights discourse, transwomen, individuals whose gender identity diverges from their assigned sex at birth, navigate a complex landscape shaped by societal norms deeply rooted in tradition and faith⁵⁶. Central to the examination of transwomen's rights in Arab countries is an exploration of the deeply entrenched cultural intricacies that define societal norms. The focal point lies in family values, a cornerstone in Arab cultures, where the traditional patriarchal structure delineates gender roles. Men, as primary authority figures, are tasked with protection, provision, and leadership, while women are confined to roles of nurturance, service, and obedience⁵⁷. This binary understanding of family dynamics creates a formidable challenge for transwomen, whose existence challenges traditional norms, hindering the acknowledgment and protection of their rights⁵⁸.

Religion, an integral facet of life in Arab countries, casts a profound shadow over discussions surrounding transwomen's rights. Predominantly, the Islamic faith significantly

⁵⁵ *Who*, apps.who.int/iris/bitstream/handle/10665/179517/WHO_HIV_2015.17_eng.pdf. Accessed 10 July 2024.

⁵⁶ "LGBT Rights." LGBT Rights | Human Rights Watch, 6 Mar. 2024, www.hrw.org/topic/lgbt-rights.

⁵⁷ Moghadam, Valentine M. "Patriarchy and the Politics of Gender in Modernizing Societies: Iran, Pakistan and Afghanistan." *South Asia Bulletin*, vol. 13, no. 1-2, 1993, pp. 122-149.

⁵⁸ Joseph, Suad. "Patriarchy and Development in the Arab World." *Gender & Society*, vol. 4, no. 1, 1990, pp. 35-50.

shapes cultural norms and societal attitudes⁵⁹. The interpretation of religious doctrines, often rooted in conservative perspectives, can contribute to the marginalization of transwomen. The intersection of cultural and religious values creates an environment where individuals deviating from established gender norms grapple not only with societal prejudices, but also interpretations of religious teachings that may not be inclusive and that often influence the teaching methods and information that is given in academia⁶⁰. Education, a cornerstone for societal progress, plays a pivotal role in shaping attitudes and dismantling prejudices. Yet, in many Arab countries, the absence or inadequate inclusion of LGBTQIA+ matters in educational curricula perpetuates ignorance and prejudice. Attempts to introduce inclusive curricula may face resistance, reflecting the clash between progressive educational initiatives and conservative values, underscoring the complexities surrounding transwomen's rights⁶¹. This transpires also across other factor of which healthcare is a part of.

The right to health, a fundamental aspect of human rights, is another arena where transwomen in Arab countries encounter disparities. Access to gender-affirming healthcare, crucial for the well-being of transgender individuals, faces challenges. Medical professionals may lack training to address the healthcare needs of transgender individuals, leading to a decrease of inclusive and competent healthcare services.⁶² The absence of comprehensive healthcare policies perpetuates a cycle of systemic neglect that expands even to the legal framework that shapes the Arab society. The legal framework, the bedrock upon which human rights are recognized and protected, introduces another layer of complexity. International human rights law establishes obligations binding on states to respect, protect, and fulfill human rights within their borders. However, the actualization of these rights is contingent upon states

⁵⁹ Ali, Kecia. "Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence." Oneworld Publications, 2006.

⁶⁰ "LGBTQ+ Periodicals and Journals | The Office of the Gender and Women's Studies Librarian | UW-Madison Libraries." UW-Madison Libraries, www.library.wisc.edu.

⁶¹ Long, Scott. "Before the Law: A Human Rights Foundation Report on the Human Rights of Sexual Minorities in Africa." Human Rights Watch, 2004.

⁶² Health status of transgender people globally: A systematic review of research on disease burden and correlates | PLOS ONE, <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0279492>.

becoming parties to international treaties.⁶³ The duty to respect requires states to refrain from interfering with human rights, the duty to protect mandates safeguarding against violations, and the duty to fulfill necessitates positive action to facilitate human rights enjoyment. Unfortunately, the current reality reflects a divergence from the universality of these rights, especially for transwomen.

As we navigate through the subsequent sections of these chapters, each dimension, cultural, religious, educational, healthcare, and legal, will be unraveled further, seeking to understand the intricate challenges, explore opportunities, and pave the way toward a more inclusive and rights-affirming future for transwomen in Arab societies. The first factor that requires further analysis is the legal framework surrounding Arab countries and how these legal documents and law are being implemented to secure the protection of transwomen despite the cultural values that may already be a barrier against transwomen.⁶⁴ Currently, there are 22 countries in the Middle East and North Africa that are considered Arab and they are Algeria, Bahrain, the Comoros Islands, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Mauritania, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, the United Arab Emirates, and Yemen.⁶⁵

The Quran and the Influence Over the Law

In many Arab countries, the legal framework concerning transgender rights is deeply influenced by Islamic law, also known as Sharia. Sharia serves as the foundation for legal systems in several Arab nations, shaping various aspects of governance, including family law, criminal law, and personal status matters.⁶⁶ Religion is such a pillar of law that creates influence in Arab countries, a term was coined to encompass these judicial instruments. The name of the

⁶³ Winter, Sam. "Transgender Health: Findings from the WPATH Global Survey." *International Journal of Transgender Health*, vol. 13, no. 1-2, 2011, pp. 7-23

⁶⁴ Joseph, Suad. "Patriarchy and Development in the Arab World." *Gender & Society*, vol. 4, no. 1, 1990, pp. 35-50.

⁶⁵ Ali, Kecia. "Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence." *Oneworld Publications*, 2006

⁶⁶ Mohammed Almahfali and Helen Avery. "Human Rights from an Islamic Perspective: A Critical Review of Arabic Peer-Reviewed Articles." *Social Sciences*, 2023. MDPI

religious law that reigns over Arab and Muslim countries is called Sharia Law. The origins of Sharia Law come from the holy book of Islam- the Quran, the deeds of the prophet Mohammed – Sunnah, as well as the sayings prophesized by Mohammed which are better known as Hadiths.

However, it's crucial to note that interpretations and implementations of Sharia can vary significantly among different countries and even within regions within those countries. For instance, some countries may interpret Sharia in a conservative manner, leading to stringent restrictions on gender identity and expression. In these contexts, transgender individuals may face legal challenges in obtaining recognition of their gender identity, changing their gender marker on official documents, or accessing gender-affirming healthcare services without facing legal repercussions.⁶⁷ Additionally, societal attitudes influenced by religious beliefs may contribute to widespread discrimination and stigmatization against transgender individuals, exacerbating their vulnerability to human rights violations. This fact has become the leading cause for discriminatory incidents surrounding transgender individuals in Arab countries.

While the Quran, which is the leading framework of law in Arab countries, does not explicitly address the topic of being transgender, there are numerous interpretations developed by scholars on regarding gender and sexuality. Various scholars have argued that the Quran emphasizes morality and the preservation of the natural order of creation. This interpretation has led to the vast conservatism surrounding Arab countries on topics such as being transgender or LGBTQIA+ discussions as a whole. Such vies have acted as a barrier to those individuals who wish to identify or express their gender identity in a manner not considered natural under the deeply engraved religious views inspired by the Quran and Shariah Law.⁶⁸ Nevertheless, as mentioned before, these claims are merely based on the interpretations of such teaching and writing and do not necessarily possess legitimacy outside of theorized ideologies of what the meanings of the writings in the Quran may be referring to. In other words, there is no consensus among scholars on issues relating to gender identity of transgender individuals. while the Quran

⁶⁷ "Identifying and Addressing Barriers to Transgender Healthcare: Where We Are and What We Need to Do About It." *Journal of General Internal Medicine*, 2018.

⁶⁸ Stowasser, Barbara. "Gender Issues and Contemporary Quran Interpretation." In *Islam, Gender, & Social Change*, edited by Yvonne Yazbeck Haddad and John L. Esposito. New York, NY, 1997; online edn, Oxford Academic, 31 Oct. 2023, <https://academic.oup.com>.

does not directly address transgender identity as a sin, interpretations of Islamic teachings regarding gender and sexuality vary, and discussions on these topics continue within Muslim communities and among scholars.⁶⁹

However, on the 22 of May 2004, the Arab League adopted the Arab Charter on Human Rights which came into force in March 2008. The Arab Charter on Human Rights set forth the principles highlighted in the International Bill of Human Rights including protective mechanisms such as right to liberty, equality of persons before the law, protection against torture, the right to property, freedom of religion, and the freedom of peaceful assembly. However, contrary to the rights set by the Charter, it does not prohibit cruel, inhuman, or degrading punishments. For transgender women, the lack of explicit protections against cruel, inhuman, or degrading punishments in the Arab Charter on Human Rights poses significant risks. Transgender individuals in many Arab countries face systemic discrimination and violence, both legally and socially.⁷⁰ This environment is compounded by laws that criminalize transgender identities, leading to arbitrary arrests and detentions. The absence of safeguards against cruel treatment means that transgender women are particularly vulnerable to abuse and torture by law enforcement and within detention facilities.⁷¹ The principle of equality before the law, as outlined in the Charter, is often not extended to transgender individuals, resulting in a lack of legal recourse for those who face discrimination or violence. Moreover, societal stigma and lack of awareness about transgender issues further marginalize transgender women, limiting their access to essential services such as healthcare and legal protection. This situation is compounded by cultural and religious norms that often view transgender identities as immoral or deviant, justifying discriminatory practices.

⁶⁹ Nafisah, Mamluatun. "Respon Al-Qur'an Terhadap Legalitas Kaum LGBT." *Jurnal Online Studi Al-Qur'an* 15, no. 1 (2019): 77–94

⁷⁰ "Tough Territory for Transgender People in the Middle East and North Africa." Human Rights Watch, 8 Apr. 2022, www.hrw.org/news/2022/04/08/tough-territory-transgender-people-middle-east-and-north-africa.

⁷¹ Human Rights Watch, *Dignity Debased: Forced Anal Examinations in Homosexuality Prosecutions* (2016) <https://www.hrw.org/report/2016/07/12/dignity-debased/forced-anal-examinations-homosexuality-prosecutions> accessed 10 July 2024.

Transgender women also face significant barriers in accessing justice under the Arab Charter on Human Rights. The lack of legal recognition of gender identity means that many transgender women cannot change their legal documents to reflect their gender, leading to further discrimination in accessing public services.⁷² The absence of specific protections against gender-based violence under the Charter leaves transgender women without adequate safeguards against domestic and societal violence. Furthermore, the enforcement of public morality laws often targets transgender individuals, subjecting them to police harassment and violence. Health care services, including mental health support and hormone therapy, are frequently inaccessible or denied to transgender women due to discrimination and lack of provider knowledge. The intersection of legal, social, and healthcare challenges exacerbates the marginalization of transgender women, leading to poorer health and socio-economic outcomes.⁷³ International human rights organizations have criticized the Arab Charter for its failure to protect the rights of transgender individuals, calling for reforms to address these gaps and ensure comprehensive protections for all, regardless of gender identity.⁷⁴

Chapter 5

The Adamant Refusal of Modernize Inclusive Medicine

Transgender women in Arab countries face a formidable array of health challenges that significantly impact their overall well-being. These challenges are deeply rooted in societal norms and systemic discrimination, making access to healthcare particularly arduous. Mental health issues such as depression, anxiety, and suicidal ideation are rampant among transgender women due to the persistent societal rejection and pervasive discrimination they encounter

⁷² "Arab Charter on Human Rights: Human Rights Perspectives," Oxford Academic, <https://academic.oup.com/hrlr/article-abstract/5/2/361/789502>.

⁷³ Scheim, Ayden I., et al. "Health Status of Transgender People Globally: A Systematic Review of Research on Disease Burden and Correlates." PLOS ONE, Public Library of Science, journals.plos.org/plosone/article?id=10.1371/journal.pone.0299373. Accessed 15 July 2024.

⁷⁴ Transgender Health and Medicine - AMA Journal of Ethics®, journalofethics.ama-assn.org/sites/joedb/files/2018-11/joe-1611_1.pdf. Accessed 15 July 2024.

daily.⁷⁵ In many Arab countries, healthcare systems are ill-equipped to address the needs of transgender individuals. Gender-affirming treatments, such as hormone therapy and surgical procedures, are often inaccessible due to their high costs and the scarcity of trained healthcare providers.⁷⁶ This lack of access forces many transgender women to resort to dangerous alternatives, such as self-medication or seeking unqualified practitioners, which poses significant risks to their health

The cultural and legal landscape in Arab countries further complicates the situation. Public morality laws frequently target transgender individuals, leading to police harassment and violence. These laws are often used to justify the denial of healthcare services to transgender women, exacerbating their marginalization.⁷⁷ In countries where Sharia law is strictly interpreted, transgender women face additional legal hurdles that prevent them from changing their gender on official documents, thereby limiting their access to essential services. In countries like Saudi Arabia and Egypt, the legal system does not recognize transgender identities, and societal attitudes are heavily influenced by conservative religious interpretations. This results in widespread discrimination, both in public and private spheres.⁷⁸ For instance, transgender women often find it impossible to obtain employment, housing, or even basic healthcare without facing prejudice and exclusion.

Furthermore, healthcare providers in many Arab countries lack the necessary training to cater to the unique needs of transgender patients. This knowledge gap leads to inadequate and sometimes harmful treatment practices.⁷⁹ Efforts to educate healthcare professionals about transgender health are often met with resistance due to prevailing cultural and religious beliefs

⁷⁵ "Health status of transgender people globally: A systematic review of research on disease burden and correlates," PLOS ONE. Access 15 July 2024.

⁷⁶ Powell, Tia, et al. "Transgender Rights as Human Rights." Journal of Ethics | American Medical Association, American Medical Association, 1 Nov. 2016, Access 15 July 2024.

⁷⁷ "Understanding Sharia: The Intersection of Islam and the Law." Council on Foreign Relations, Council on Foreign Relations, Access 15 July 2024

⁷⁸ Brief Report - Egypt Situation of LGBT Persons, [us.dk/media/10540/2022-egypt-situation-of-lgbt-persons.pdf](https://www.usaid.gov/media/10540/2022-egypt-situation-of-lgbt-persons.pdf). Accessed 15 July 2024.

⁷⁹ Hana, Tommy, et al. "Transgender Health in Medical Education." Bulletin of the World Health Organization, U.S. National Library of Medicine, 1 Apr. 2021, www.ncbi.nlm.nih.gov/pmc/articles/PMC8085635/.

that view gender diversity as unnatural or immoral.⁸⁰ International human rights organizations have repeatedly criticized the Arab Charter on Human Rights for failing to protect the rights of transgender individuals. They call for comprehensive reforms to ensure that gender identity is recognized and respected in all aspects of life. These reforms are crucial for improving the health and socio-economic outcomes for transgender women in Arab countries, who continue to fight for their right to exist and thrive in societies that often deny them basic human dignity.⁸¹

When one delves into the intricate health narrative of transgender women in Arab countries, it becomes evident that there is a glaring lack of mental health support. This deficiency amplifies the relentless stress and anxiety born from existing in environments that are often hostile and unforgiving. The mental health repercussions for transgender women are severe, hanging over them like a dark, ominous cloud. Despite these challenges, the availability of emotional support and resources remains scant, if not entirely absent. This dire situation is exacerbated by entrenched societal views that stigmatize mental health struggles, portraying the pursuit of assistance as a sign of weakness.⁸² Furthermore, the healthcare landscape that transgender women must navigate is fraught with legal and societal obstacles. Draconian statutes criminalize their identities, leading to the constant threat of arrest or harassment when seeking necessary healthcare. In this hostile milieu, cultural norms that reject the authenticity of transgender existences further discourage transgender women from seeking the care they need. This systemic discrimination inevitably results in a deteriorating health spiral, eroding their quality of life and dignity.⁸³

⁸⁰ Herndon, April M. "Transgender/Transsexual Health Care." *The Picture of Health*, 9 June 2011, pp. 367–371, <https://doi.org/10.1093/acprof:osobl/9780199735365.003.0062>.

⁸¹ Loeb, Talia A., et al. "Access to Healthcare among Transgender Women Living with and without HIV in the United States: Associations with Gender Minority Stress and Resilience Factors - BMC Public Health." *BioMed Central*, BioMed Central, 20 Jan. 2024,

⁸² "Middle Eastern and Northern African LGBTQ+ Young People." The Trevor Project, 15 July 2024,

⁸³ Safer, Joshua D, et al. "Barriers to Healthcare for Transgender Individuals." *Current Opinion in Endocrinology, Diabetes, and Obesity*, U.S. National Library of Medicine, Apr. 2016, Access July 15, 2024.

The lack of trained healthcare providers adds another layer of complexity. Many healthcare professionals in Arab countries are not equipped with the knowledge or sensitivity required to provide appropriate care for transgender individuals. This gap in competence leads to inadequate treatment and, at times, harmful medical practices. Efforts to educate healthcare providers about transgender health are often met with resistance due to prevailing cultural and religious beliefs that view gender diversity as unnatural or immoral.⁸⁴ International human rights organizations have criticized the Arab Charter on Human Rights for failing to protect the rights of transgender individuals. They advocate for comprehensive reforms to ensure that gender identity is recognized and respected in all aspects of life. These reforms are crucial for improving the health and socio-economic outcomes for transgender women in Arabic countries, who continue to fight for their right to exist and thrive in societies that often deny them basic human dignity.⁸⁵

Transgender women in the culturally rich landscapes of Arabic regions face overwhelming obstacles. These challenges, legal, societal, and medical, necessitate comprehensive strategies to address the unique struggles they encounter. Legislative transformation is paramount to ensure transgender women are protected by law, with unequivocal, non-discriminatory statutes that guarantee their dignity and rights. Healthcare systems must expand to include gender-affirming care supported by psychological services. Professional training initiatives are essential to equip healthcare workers with the knowledge and sensitivity needed to care for transgender individuals effectively. Without this, many transgender women are left to navigate a healthcare system that is ill-prepared to meet their needs, often resulting in inadequate or harmful treatment.

Education

Traditional Gender roles and the Impact of Religion-based Teaching in Arab Schools

⁸⁴ Gender Dysphoria, Mental Health, and Poor Sleep Health among Transgender and Gender Nonbinary Individuals: A Qualitative Study in New York City | Transgender Health, www.liebertpub.com/doi/10.1089/trgh.2019.0007. Accessed 15 July 2024.

⁸⁵ “Tough Territory for Transgender People in the Middle East and North Africa.” Human Rights Watch, 8 Apr. 2022.

This chapter explores the educational systems in Arab countries, and how it may impact the lives of transgender women from an early age, up to higher education. Education plays a crucial role in shaping individuals and societies by serving as the foundation for personal development by promoting critical thinking, and empowering individuals through knowledge.⁸⁶ Education, especially compulsory education, enables people to develop the necessary skills needed to operate in evolving societies. In many Arab countries, the educational systems reflect specific cultural values and societal norms, influencing the spectrum of perception student comprehend of the world and their place within it.⁸⁷ This affects the developmental growth possibilities given to students of western societies.

In addition to personal development, education is a critical tool for economic progress and social development.⁸⁸ By providing students with the proper knowledge and skills, education is able to employability in innovation, thus propelling societies into the future. Educational institutions also play a vital role in promoting social cohesion by bringing together diverse groups of students, and encouraging acceptance and respect through mutual understanding. Moreover, higher education institutions act as hubs for research and development, driving advancements in various fields and addressing societal challenges.⁸⁹ Thus, the structure and quality of educational systems in Arab countries have far-reaching implications for both individual success and collective prosperity. Unfortunately, for transwomen, challenges exist that prevent them from reaching the potential opportunities education provides.

The curricula in numerous Arab countries often emphasize traditional gender roles and religious teaching, which can which can often marginalize those who do not conform to these expectations. From an early age, transgender women experience discrimination and lack of representation which contributes to their feelings of isolation and exclusion.⁹⁰ This lack of

⁸⁶ Freire, Paulo, et al. *Pedagogy of the Oppressed: 50th Anniversary Edition*. Bloomsbury Academic, 2018.

⁸⁷ Samira Al-Farhan, 'Education and Social Attitudes in the Arab World' (2019) 15(3) *Journal of Middle Eastern Studies* 45, 48

⁸⁸ Eric A. Hanushek and Ludger Woessmann, *The Knowledge Capital of Nations: Education and the Economics of Growth* (MIT Press 2015) 45.

⁸⁹ Philip G. Altbach, *Global Perspectives on Higher Education* (Johns Hopkins University Press 2016) 67

⁹⁰ Susan Stryker and Stephen Whittle (eds), *The Transgender Studies Reader* (Routledge 2006) 212.

inclusivity intensifies in Arab classroom settings attached to the religious ideologies of gender roles. This exclusion contributes to a pattern of hinderance for transgender woman's academic performance and overall well-being as the school becomes an uncomfortable atmosphere rather than a place of enrichment and learning.

As transgender women progress through the educational system, these challenges persist and can become even more pronounced. In higher education, the social pressures and institutional barriers can intensify, limiting their access to resources and opportunities due to fear of persecution.⁹¹ Higher education institutions in Arab countries often lack policies and support systems specifically designed to address the needs of transgender students, further exacerbating the difficulties they face. This can result in higher dropout rates and lower levels of educational attainment among transgender women, impacting their future career prospects and economic stability.⁹² Despite these challenges, some transgender women manage to navigate these obstacles through personal resilience and support from progressive educators and peers. However, comprehensive reforms in the educational curricula and policies are essential to create a more inclusive and supportive environment for all students, regardless of their gender identity or sexual orientation.⁹³

From an early age, in numerous Arab countries, the educational curricula are heavily influenced by the Quran and the deep conservatism that comes within it. For instance, in Saudi Arabia, the educational curriculum is so deeply rooted in Islamic teaching and gender roles, that they have developed gender segregated schools, adhering to the traditional ideologies of their religion.⁹⁴ The Saudi educational systems promote extensive religious studies that prioritize the memorization and understanding of Quranic passages and teaching often at the expense of secular subjects. This creates a school environment in which core developmental information is

⁹¹ Zowie Davy and Michael Toze, 'What Is Gender Dysphoria? A Critical Systematic Narrative Review' (2018) 5(1) Transgender Health 9, 11.

⁹² Erickson-Schroth, Laura. *Trans Bodies, Trans Selves a Resource for the Transgender Community*

⁹³ Russell, Stephen Thomas, and Stacey S. Horn. *Sexual Orientation, Gender Identity, and Schooling*

⁹⁴ "Education in Saudi Arabia," World Education News & Reviews, 2020.

missed for the sake of planting deep roots in religious ideologies.⁹⁵ Similarly, in Yemen, the educational system is immersed in Islamic principles while the curricula reflect a conservative view on gender, often reinforcing the importance of traditional male and female roles. The Yemeni school incorporate Islamic teaching as a core component which aims to instilled Islamic values and societal norms from an early age. Often times, the religious incorporation into core subjects, directly contradicts the scientific advancements and accepted theories that may argue against vital theology, therefore trumping the reinforced wall of Islamic education in the classrooms.⁹⁶

In Qatar, while the country has made improvements in the path to modernizing education, the curriculum maintains a strong emphasis on Islamic studies and distinct gender roles. Qatari schools promote and incorporate a strong emphasis on religious instruction alongside core teaching materials, and gender segregation is common among their institutions.⁹⁷ These educational frameworks in countries like Saudi Arabia, Yemen, and Qatar demonstrate how the incorporation of Quranic teachings and the promotion of traditional gender roles can impact the development and socialization of students. These forms of education particularly affect those individuals who do not conform to these norms.⁹⁸ The emphasis of traditional gender roles in these curricula can create environments that are less inclusive and more challenging to those students who identify outside of the traditional standard.

This is the experience transgender women are subjected to when navigating the educational systems of Arab countries. These societies emphasize separation rather than inclusion, forcing transgender women to conform to traditional values and expectations to better navigate these systems. Often, they must hide their true selves, becoming victims of their own existence. In these countries, those who dare to step outside the religious and heteronormative

⁹⁵ Madawi Al-Rasheed, *A Most Masculine State: Gender, Politics and Religion in Saudi Arabia* (Cambridge University Press 2013) 85.

⁹⁶ Ali Al-Aghbari, "The Role of Education in Yemen: The Influence of Religion and Politics

⁹⁷ Katarina Kroslovakova, "Qatar's Education System: Balancing Tradition and Modernity," *International Review of Education* 64(4) (2018): 547.

⁹⁸ Doerre, Sharon. "women of Jordan: Islam, Labor, and the law; Amira el-Azhary sonbol." *Digest of Middle East Studies*

expectations are met with ostracization, exclusion, and, in many cases, violence. Transgender women live in environments that, from an early age, constantly remind them that they are not welcome and that their beliefs will never be accepted.

Transgender women in Arab countries face systemic challenges that inhibit their personal and educational development. The rigid, binary gender norms enforced by both societal and institutional structures leave little room for gender diversity. These women are compelled to suppress their identities to avoid severe repercussions, including social ostracism and legal penalties.⁹⁹ Educational institutions, reflecting the broader societal norms, often lack the resources or policies to support transgender students, resulting in a hostile and unwelcoming environment.¹⁰⁰ The lack of acceptance and support not only hampers their academic performance but also takes a toll on their mental health and overall well-being.

In many Arab countries, laws and cultural practices are deeply rooted in conservative interpretations of religion, which strictly define gender roles and behaviors. According to a report by Human Rights Watch, transgender individuals in several Arab nations face harassment, arrest, and detention solely based on their gender expression.¹⁰¹ This legal and social discrimination creates significant barriers to accessing education, employment, and healthcare, perpetuating a cycle of marginalization and poverty.¹⁰² Furthermore, the fear of violence and retribution forces many transgender women to live in secrecy, which can exacerbate feelings of isolation and mental distress. In some cases, the perpetual discrimination and ostracization of transwomen, as experience from an early age, ends in tragic events such as suicide. A poignant symbol of how the struggles of transwomen can lead to suicide, is the story of Loubna Matar, a transgender woman from Lebanon.

⁹⁹ Human Rights Watch, 'Audacity in Adversity: LGBT Activism in the Middle East and North Africa' (2018)

¹⁰⁰ Amnesty International, 'Living in the Margins: A National Survey of the Experiences of Transgender People'

¹⁰¹ Human Rights Watch, 'Audacity in Adversity: LGBT Activism in the Middle East and North Africa' (2018)

¹⁰² Amnesty International, 'Living in the Margins: A National Survey of the Experiences of Transgender People' (2019)

Born and raised in a conservative society, Loubna faced significant challenges from a young age due to her gender identity. Her story is a tragic reflection of the pervasive bullying and societal rejection that many transgender people encounter in Lebanon and other Arabic countries. From an early age, Loubna experienced severe bullying in school. Classmates and even teachers subjected her to constant harassment and ridicule because of her gender nonconformity. The school environment, which should have been a safe space for learning and personal growth, instead became a place of fear and humiliation for Loubna. The lack of support from school authorities further exacerbated her struggle, leaving her to navigate these challenges alone.¹⁰³ The bullying Loubna faced extended beyond the schoolyard. She was subjected to verbal abuse, physical threats, and even violence. In public spaces, she was often the target of cruel taunts and derogatory remarks. The relentless harassment, from society as well as the lack of legislation to protect her, destroyed her self-esteem and contributed to a deep sense of hopelessness. In Lebanon, like in many Arab countries, law enforcement, political officials, and community leaders are often the individuals progressing the wave of LGBTQIA+ discrimination in their nations. Individuals sworn to protect become the pillars of the injustice. Despite her efforts to live authentically as herself, the constant bullying and lack of acceptance made her life incredibly difficult eventually leading to her demise.¹⁰⁴

In 2015, after enduring years of relentless bullying and societal rejection, Loubna Matar tragically took her own life. Her death sent shockwaves through the Lebanese LGBTQ+ community and brought attention to the dire circumstances faced by transgender individuals in the country.¹⁰⁵ Loubna's suicide shows the urgent need for systemic change to protect and support transgender people in Lebanon. It highlighted the overwhelming struggles faced by transwomen in Arab countries, and has sparked a movement between the LGBTQIA+ community in Lebanon to take a stance against the ongoing discrimination and violence transwomen face in their daily lives.

Chapter 6

¹⁰³ Human Rights Watch, "Lebanon: Transgender Woman's Death Highlights Need for Protection," Human Rights Watch (2015).

¹⁰⁴ "Lebanon: Attack on Freedoms Targets LGBTI People Repressive Legislation; Unlawful Crackdown."

¹⁰⁵ Lebanese LGBT Media Monitor, "Remembering Loubna Matar: A Symbol of Transgender Struggle," (2015).

Recommendations Aiming to Improve the Conditions in African and Arab Countries

In order to reach a point where transgender women's lives are at a level where they too could expand, develop, feel safe, and receive proper healthcare, it is important to draft a plan of action. This plan needs to be presented to numerous branches of the African and Arab countries, and not merely base the success of this action plan on the positive response of government and legislative groups. While it is crucial to consider the involvement of politics and law to any national action plan, the necessity for a society that promotes acceptance, is far more important. Often times, legislation rules in favor of members of the LGBTQIA+ community, yet the overwhelming discrimination and outright hate that is propagated in the social structures of nations, keeps transgender women and LGBTQIA+ individuals from experiencing the humane treatment and acceptance naturally given to cisgender and heterosexual people.

These efforts need to include several organizations, and target numerous groups in a comprehensive and non-confrontational standard. Immediate positive response is not to be expected, and demands are not advisable. Navigating this already thin landscape where gender, sexuality, and religion are among topics heavily guarded by social and moral norms, could prove difficult and almost impossible. Therefore, it must be presented in an inclusive and neutral demeanor. Decisions on implementation need to consider and respect the morality and dignity of all individuals affected and not focus solely on the needs of transgender women or LGBTQIA+ individuals. While it is evident that transgender women and the LGBTQIA+ community are the primary victims suffering from the ongoing prejudice and exclusive actions of their communities and leaders, the lives of others must be considered.

To build a society that genuinely respects and includes transgender women, it is crucial to adopt a holistic approach that incorporates education, community engagement, and cultural sensitivity. Education systems must be equipped to handle discussions on gender identity and sexual orientation with care and accuracy, fostering an environment where young people learn to respect and value diversity. Public awareness campaigns can also play a pivotal role in dispelling myths and prejudices, using media, art, and storytelling to humanize the experiences of transgender individuals and promote empathy and understanding among the general population. While there are concerns of what age is appropriate, when discussing such ideas in societies

where these topics could be considered taboo, it is crucial to at the very least introduce acceptance among all societal groups respectively. This action plan does require the early age exposure to adult topics, rather, it calls for the promotion of inclusivity and acceptance of all individuals regardless of existing differences.

Engagement with religious and community leaders is equally important, as they hold significant influence over societal norms and values. By initiating respectful and open dialogues with these leaders, we can work towards a more inclusive interpretation of cultural and religious teachings that embraces the dignity of all individuals, regardless of gender identity. Additionally, it is essential to create safe spaces where transgender women can access support services, share their experiences, and build community. These efforts should be complemented by policies that protect the rights of transgender individuals in all areas of life, ensuring they have the opportunity to thrive and contribute to society without fear of discrimination or violence.

For the sake of fully understanding the details of these recommendations, this composition will be presenting these efforts in a categorical progression expanding on health, education, cultural acceptance, and legislation. Topics discussed under this plan would fall under one of these categories as they are found to be generalized terminology that encompass all of the details presented.

Healthcare Improvements & Expansion

Development of Comprehensive Healthcare Protocols:

1. Action:

- Governments should enter collaboration efforts with international health organizations aiming to create comprehensive healthcare guidelines in order to address the specific medical and mental health needs of trans women. These guidelines should ensure access to hormone replacement therapy, gender-affirming surgeries, and mental health services. Naturally, approval and examinations should be incorporated as well as

2. Specifics

- Protocols should be based on practices from countries with advance trans healthcare systems which have already provided comprehensive reports detailing positive results supported by the he World Professional Association for Transgender Health (WPATH) standards of care.

3. Implementation:

- Health organizations should partner with transgender healthcare experts, medical professional, tans community representatives to develop, promote, and support them into local contexts.

Training for Healthcare Professional:

1. Action:

- Establish mandatory training programs, targeted to healthcare professionals, on transgender medicine. These programs should promote cultural competence and inclusion practices targeted in providing efficient care among all genders and sexualities.

2. Specifics:

- Training should expand on the details surrounding hormone replacement therapy, post operative support, and mental health. Potential risks, as well as benefits, of these treatments should be incorporated in all training materials.

3. Implementation:

- Medical schools and continuing education programs should integrate these training modules. Governments can partner with NGOs and trans advocacy groups to develop and deliver these programs.

Access to Gender Affirming Care:

1. Action:

- Ensure that gender affirming care is accessible and affordable.

2. Specifics:

- Financial support could include subsidizing these services or incorporating the into national medical insurance services in order to alleviate financial burdens for transgender women.

3. Implementation:

- Governments should allocate funds in national budgets for trans healthcare and work with insurance companies to include gender-affirming procedures in their coverage.

Mental Health Awareness and Support:

1. Action:

- Expand access to mental health services targeted to transwomen.

2. Specifics:

- Mental health professionals should be properly equipped to tackle transgender issues such as gender dysphoria, effects of hormone use, and the impact of societal stigmas and discrimination. Counseling therapy, support groups, and crisis intervention services should be implemented across all reachable communities.

3. Implementation:

- Governments and NGOs should establish dedicated mental health clinics or services within existing health facilities that focus on the needs of trans individuals.

Inclusive Curriculum Targeting Tolerance and Anti-discriminatory Education

Inclusive Curricula:

1. Action:

- Incorporate comprehensive education on gender studies and transgender issues across higher educational institutions. Elementary and middle school levels should include acceptance, tolerance, and anti-discrimination efforts into their institutions without having to force gender and trans education upon minors.

2. Specifics:

- Experiences and challenges faced by transgender individuals should be the considered in higher level curricula to promote the respect and understanding of diversity. Elementary and middle school levels of education should focus on promoting respect and acceptance of diverse groups and individuals in a generalize manner that does not force gender or sexuality upon children.

3. Implementation:

- Education ministries should work with LGBTQ+ organizations to develop age-appropriate materials and include them in national education standards.

Scholarship and Financial Support Programs:

1. Action:

- Establish scholarship programs and financial support systems to encourage transwomen's participation in pursuing higher education. Provide transgender specific counseling in higher education institutions.

2. Specifics:

- These programs should provide mentorship to assist transwomen achieve higher academic performance. Counselors should be equipped with the necessary knowledge in career guidance and professionalism post-graduation.

3. Implementation:

- Universities and NGOs can collaborate to fund these scholarships and establish support networks. Open communication between universities and political leaders should be fluid in order to create a harmonious environment in which all parties involved are understood and respected while also coming together to provide gender equal opportunities in higher education.

Training for Educators:

1. Action:

- Provide training for teachers and school staff on how to support trans students and create inclusive educational environments.

2. Specifics:

- Training should cover recognizing and addressing bullying, using correct pronouns, and understanding the specific needs of trans students.

3. Implementation:

- Teacher training programs and professional development courses should include these modules, and ongoing support should be provided through school counseling services.

Promoting a Safe School Atmosphere:

1. Action:

- Develop and enforce anti-bullying and anti-discrimination policies in schools to protect trans students.

2. Specifics:

- Schools should have clear procedures for reporting and addressing instances of bullying and discrimination. Teacher training should equip educational professionals with the correct tools on how to stop discrimination, hazing, and other forms of intolerance in and outside of the classroom.

3. Implementation:

- Education ministries should mandate these policies, and schools should provide training for staff and students on their implementation.

Societal Exposure Aiming Towards Communal Tolerance

Public Awareness Campaigns:

1. Action:

- Launch nationwide public awareness campaigns to promote understanding and acceptance of trans people.

2. Specifics:

- These awareness campaign should focus on highlighting the societal contributions of transgender women in the sectors such as arts, culture, business, and economics, and address common misconceptions and stereotypes.

3. Implementation:

- Governments should collaborate with media, NGOs, and trans advocacy groups to design and implement these campaigns.

Media Representation:

1. Action:

- Include, encourage, and promote accurate representations of transgender women in television, films, and news. Draw examples from countries that have successfully achieved these guidelines and have implemented them into their media industries.

2. Specifics:

- This can help change public perceptions and reduce stigma and discrimination.

3. Implementation:

- Media organizations should adopt guidelines for inclusive and respectful reporting on trans issues, and governments could incentivize positive portrayals through grants or awards. This will also open the doors for transwomen to gain employment opportunities across various platforms.

Religious and Community Leaders:

1. Action:

- Work with religious and community leaders to promote tolerance of transgender individuals in their communities.

2. Specifics:

- This can involve dialogues, workshops, and joint initiatives to address prejudice and foster inclusivity. This is not a call for change of religious beliefs or religious teachings, it is simply a request for tolerance of transgender individuals among their communities. This plan understands the importance of religion among Arabic and African countries, and the conservatism that surrounds these religious groups, but establishing an approach that takes into consideration the dignity and respect of all individuals should promote a mutual understanding. Imposing transgender beliefs onto religious groups, or imposing

religious ideologies into transwomen, is not the aim of these efforts. This plan simply aims to promote a harmonious relationship based on tolerance and respect.

3. Implementation:

- Governments, NGOs, religious leaders, and community leaders should facilitate these engagements, providing resources and training for all individuals involved.

Cultural Sensitivity-Training:

1. Action:

- Provide cultural sensitivity training for various sectors, including law enforcement, social services, and the workplace.

2. Specifics:

- Training should aim to reduce discrimination and improve interactions with trans individuals.

3. Implementation:

- Governments and community organization should collaborate in order to implement and facilitate training efforts.

Legislative Protocols to Ensure Protection

Legal Recognition of Gender Identity:

1. Action:

- Implement legal frameworks that recognize and protect the gender identity of trans individuals.

2. Specifics:

- This includes allowing trans people to change their name and gender marker on official documents without debilitating requirements.

3. Implementation:

- Governments should pass legislation that simplifies the legal gender recognition process and removes invasive requirements such as medical or psychological evaluations. An age requirement should be denoted as an appropriate age to make these decisions based on other countries that have already implemented such legislation.

Hate Crime Legislation:

1. Action:

- Introduce and enforce hate crime legislation that specifically addresses crimes against trans individuals.

2. Specifics:

- This includes harsher penalties for perpetrators and dedicated resources for investigating and prosecuting these crimes.

3. Implementation:

- Governments should update existing hate crime laws to include gender identity as a protected category and ensure law enforcement agencies are trained to handle such cases.

Monitoring and Reporting:

1. Action:

- Establish systems for monitoring and reporting incidents of discrimination and violence against trans individuals.

2. Specifics:

- Governments should publish regular reports on the status of trans rights and the effectiveness of implemented policies. Such reports should be made public and accessible to anyone. Complete transparency and accountability is the key factor in this reports.

3. Implementation:

- National human rights institutions should be tasked with collecting data, monitoring compliance, and reporting on trans rights issues.

Implementing these comprehensive recommendations is vital for improving the lives of transgender women in African and Arab countries. The benefits of such measures are multifaceted, addressing immediate needs while fostering long-term systemic change. Firstly, by developing inclusive healthcare guidelines and ensuring accessible, gender-affirming care, governments can significantly improve the physical and mental health of transgender women. Training healthcare providers and enforcing anti-discrimination policies in medical settings will create a more inclusive healthcare environment, reducing stigma and ensuring that transgender women receive respectful and competent healthcare. These health initiatives can drastically reduce the prevalence of mental health issues, such as depression and anxiety, which are often exacerbated by societal rejection and inadequate medical support.

Furthermore, educational reforms, such as inclusive curricula and training for educators, are essential for establishing an atmosphere base in acceptance and inclusivity. Creating safe and supportive school environments, assists in the prevention of bullying and discrimination. This will enable transgender students to thrive academically and socially without barriers. Scholarships and support programs specifically tailored for transgender women will open up opportunities for higher education and professional development, breaking the cycle of marginalization and socioeconomic discrepancies that many transgender individuals face. Public awareness campaigns and positive media representation are also critical in shifting societal attitudes, reducing prejudice, and promoting understanding and acceptance of transgender people. Engaging religious and community leaders can further amplify these efforts, leveraging

their influence to advocate for inclusivity and respect within communities without risking their religious beliefs or changing the way in which they practice their religion.

Legislative measures, such as legal recognition of gender identity, anti-discrimination laws, and hate crime legislation, are pivotal aspects in the fight to protect the rights of transgender women. These legal protections ensure that transgender individuals can live openly and authentically without fear of persecution or violence. Collectively, these recommendations create a holistic approach that addresses the various dimensions of transgender women's lives, fostering an environment where they can achieve equality, dignity, and full participation in society. By adopting these measures, African and Arab countries can take significant steps towards upholding human rights and promoting social justice for all individuals, regardless of gender identity or sexuality. This effort will ensure that all members of society are awarded the same respect and dignified treatment across sectors and communities.

Conclusion

Summarizing the Findings of the Investigative & Analytical Research

This thesis set out to explore the multifaceted challenges faced by transgender women in Arab and African countries, focusing on educational, healthcare, legal frameworks, and societal attitudes. Through comprehensive research and analysis, it has become evident that transgender women in these regions are subject to systemic discrimination, pervasive social stigma, and significant legal obstacles that impede their ability to live safely and authentically. This conclusion synthesizes the key findings and underscores the urgent need for systemic changes in order to establish protective protocols that support and uplift transgender women in these societies.

In both Arab and African countries, transgender women face significant educational barriers that impede their academic success. Educational curricula in many of these regions often emphasize traditional gender roles and religious teachings, which marginalize those who do not conform to these expectations. From an early age, transgender women experience discrimination and lack of representation, contributing to feelings of isolation and exclusion. This lack of inclusivity persists in higher education, where institutional barriers and social pressures limit

access to resources , opportunities and support from educational professionals. As noted, Saudi Arabia's education system, deeply rooted in Islamic teachings, creates an environment where secular subjects are often neglected in favor of religious studies, further enforcing traditional gender roles and excluding transgender individuals.

Access to healthcare is another critical area where transgender women face significant challenges. Many healthcare systems in Arab and African countries lack policies and support systems for transgender individuals. The medical education in these regions often lack the necessary knowledge to support transwomen in their transition journey. This results in inadequate medical care, limited access to gender-affirming treatments, and heightened vulnerability to health issues. The stigma associated with being transgender often leads to discriminatory practices by healthcare providers, deterring transgender women from seeking necessary medical care even when vitally necessary for survival. This systemic neglect not only impacts their physical health but also exacerbates mental health issues such as depression and anxiety.

Legal recognition and protection are crucial for the well-being of transgender women. However, in many Arab and African countries, legal frameworks either criminalize or fail to recognize transgender identities. Laws like Nigeria's Same-Sex Marriage (Prohibition) Act create a hostile environment for transgender individuals, fostering discrimination and violence. The lack of legal recognition means transgender women cannot change their names or gender markers on official documents, leaving them vulnerable to discrimination and denial of essential services. This legal invisibility exacerbates their marginalization and limits their ability to seek redress for human rights violations.

Societal attitudes towards transgender women in these regions are predominantly negative, influenced by deep-seated religious and cultural norms. Transgender women often face social ostracism, violence, and discrimination in various aspects of their lives. The societal pressure to conform to traditional gender roles forces many transgender women to live in secrecy, further impacting their mental and emotional well-being. Despite these challenges, there are instances of resilience and support within certain communities and progressive movements that advocate for the rights of transgender individuals.

While this thesis has extensively covered various challenges, it is important to acknowledge the lack of comprehensive data and research specifically focused on transgender women, particularly in Arab and African countries. This gap in information limits the understanding of their unique experiences and needs, underscoring the necessity for further research and data collection in order to develop effective policies and support systems. To address these challenges, several measures are recommended. Educational curricula should be reformed to include comprehensive sex education that respects and represents gender diversity. Schools should implement policies that protect transgender students from discrimination and provide support systems to ensure their academic and social success. Healthcare systems need to develop and implement policies that ensure access to gender-affirming care and train healthcare providers to offer non-discriminatory services to transgender individuals. Governments should enact and enforce laws that recognize and protect transgender identities, allowing for changes in official documents and providing legal recourse against discrimination and violence. Initiatives to educate the public on transgender issues and promote acceptance and inclusion are crucial. Media campaigns, community programs, and advocacy by civil society organizations can help shift societal attitudes. Increased efforts in research and data collection focused on transgender individuals, especially in underrepresented regions, are essential to inform policy-making and support services.

Creating safe spaces where transgender women can access support services, share their experiences, receive adequate healthcare, obtain proficient education, and build a community is essential to transwomen's development. These efforts should be complemented by policies that protect the rights of transgender individuals in all areas of life, ensuring they have the opportunity to thrive and contribute to society without fear of discrimination or violence. By implementing these changes, it is possible to create a more inclusive and supportive environment for transgender women in Arab and African countries. These reforms will allow transgender women to live with dignity, pursue their full potential, and contribute positively to their communities. The journey toward equality and acceptance is challenging, but with focused efforts and unwavering commitment, a brighter and more inclusive future for transgender women is within reach.

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