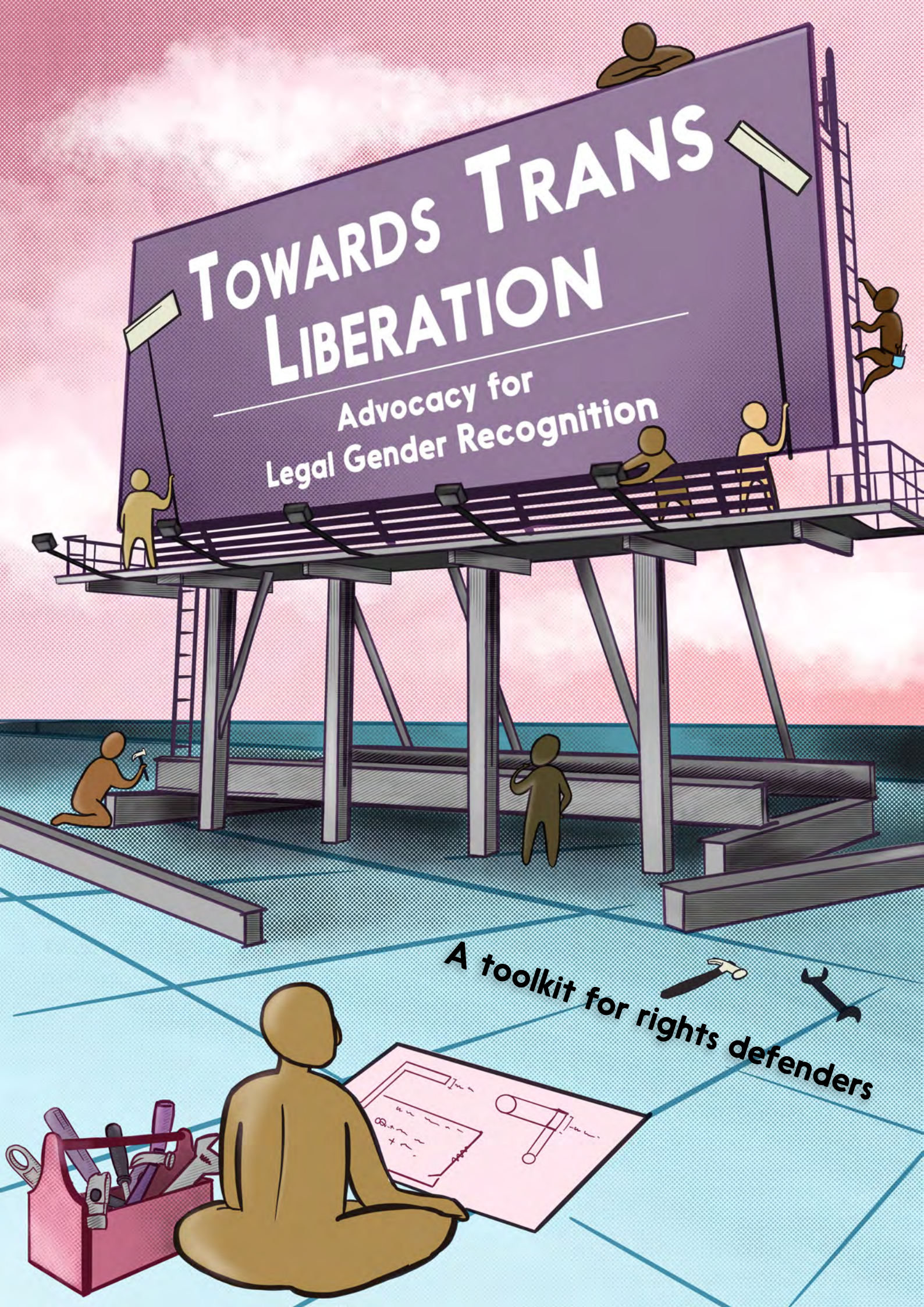


TOWARDS TRANS LIBERATION

Advocacy for
Legal Gender Recognition

A toolkit for rights defenders



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- Tristán Samuel Lopez Aguilar

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Glossary of terms

Transgender/trans*: A transgender person is someone whose gender identity is different from the gender assigned to them at birth. The term 'trans*' is widely used as a shorthand for 'transgender'. In the English language, the word 'transgender' is an adjective. Therefore, it can only be used as a qualifier to a noun (e.g. a transgender man, a trans person, the trans community in San Francisco)

Gender-diverse: The term 'gender-diverse' refers to people who identify themselves at different positions of the gender spectrum. This includes non-binary and gender-non-conforming people, as well as indigenous people from different parts of the world, with gender identities specific to their native sociocultural traditions.

Cisgender: A cisgender person is someone whose gender identity corresponds to the gender they were assigned at birth.

United Nations: The UN officially emerged in 1945 with 50 Member States signing the Charter of the United Nations. There are currently 193 Member States in the United Nations General Assembly. It is an organization where Nations discuss and agree common issues for humanity.

UNDP: The UNDP is a Program part of the United Nations System present in 170 countries and territories that works to eradicate poverty, inequality and exclusion. It helps countries to develop policies, alliances, leadership skills and institutional capacities to maintain human development advances.

OHCHR: A mechanism of the United Nations System in charge of protecting and promoting human rights stipulated in the Universal Declaration of Human Rights of 1948. Its mandate includes providing information and technical assistance in the field of human rights.

Trans pathologization: Trans pathologization is the categorization of trans and gender diverse identities as a mental disorder, which implies that trans people must undergo psychiatric, psychological or medical evaluations to access hormonal or surgical treatment and, in many cases, to modify the gender marking, name and appearance of official documents (legal recognition of gender).

United Nations Human Rights Council: The Human Rights Council is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the world, addressing situations of human rights violations, and making recommendations on them. The Council meets at the United Nations Office in Geneva.¹

Inter-American Court of Human Rights: The Inter-American Court is a regional tribunal, and an autonomous legal institution whose objective is to interpret and apply the American Convention. The Inter-American Court exercises a contentious function, in which it resolves contentious cases and supervises judgements; an advisory function, and a function wherein it can order provisional measures.²

Universal Periodic Review: The Universal Periodic Review (UPR) is a unique process which involves a periodic review of the human rights records of all 193 UN Member States. The UPR is a significant innovation of the Human Rights Council which is based on equal treatment for all countries. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. The UPR also includes a sharing of best human rights practices around the globe.³

Legal Gender Recognition: The term 'Legal Gender Recognition' refers to the processes by which a trans or gender-diverse person can change their legal documentation and identity papers to match their correct gender identity. Legal Gender Recognition is a crucial element of trans human rights advocacy, due to its highly positive impact on the everyday lives of trans and gender-diverse peoples.

Yogyakarta Principles and Yogyakarta Principles plus 10 (YP+10): In 2006, in response to well-documented patterns of abuse, a distinguished group of international human rights experts met in Yogyakarta, Indonesia to outline a set of international principles relating to sexual orientation and gender identity. The result was the Yogyakarta Principles: a universal guide to human rights which affirm binding international legal standards with which all States must comply. They promise a different future where all people born free and equal in dignity and rights can fulfil that precious birthright. The YP plus 10 was adopted on 10 November, 2017 to supplement the Yogyakarta Principles. The YP plus 10 document emerged from the intersection of the developments in international human rights law with the emerging understanding of violations suffered by

¹ More information: <https://www.ohchr.org/en/hrbodies/hrc/pages/aboutcouncil.aspx> (accessed 25 November 2021).

² More information: https://www.corteidh.or.cr/que_es_la_corte.cfm?lang=en (accessed 25 November 2021)

³ Source: UN Human Rights Council: <https://www.ohchr.org/en/hrbodies/upr/pages/basicfacts.aspx> (accessed 25 November 2021).

persons on grounds of sexual orientation and gender identity and the recognition of the distinct and intersectional grounds of gender expression and sex characteristics.⁴

Qualitative Research: Qualitative research is an umbrella phrase that describes many research methodologies which draw on data collection techniques such as interviews and observations. Qualitative research inquiries seek to build an understanding of phenomena (i.e., human behaviour, cultural and social organization), is often focused on meaning (i.e., how do people make sense of their lives, experiences, and their understanding of the world?) and can be descriptive, providing descriptive analyses of complex phenomena such as social or cultural dynamics and individual perceptions.⁵ Qualitative research often includes (and is not limited to) case studies, in-depth explorations of personal experiences and life stories, and a focus on sociocultural traditions.

Qualitative Interview: A qualitative interview is an interview that can be semi-structured and is focused on gaining an in-depth understanding of a set of issues. Some qualitative interviews can take a rather unstructured, conversational format, allowing the respondents to express themselves freely at their own pace. Qualitative interviews are especially useful in gaining an in-depth understanding of personal stories and lived experiences of the interviewee.⁶

Quantitative Interview: In a quantitative interview, the participants are provided with a uniform set of questions, or are given a form to fill out. The responses can then be analyzed to identify potential patterns (or lack thereof). The focus of a quantitative interview is on measurable data and facts. Quantitative interviews often take the form of survey-style question-and-answer formats. They can also be described as standardized interviews.⁷

⁴ Source: Yogyakarta Principles site. For the full text of the Principles, please visit <https://yogyakartaprinciples.org> (accessed 26 November 2021).

⁵ This definition was drawn from the resources of the McGill Qualitative Health Research Group. For more information, please visit <https://www.mcgill.ca/mqhrq/resources/what-difference-between-qualitative-and-quantitative-research> (accessed 26 November 2021).

⁶ For more information, please visit <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4194943/> (accessed 24 November 2021).

⁷ Source: Research methods for the social sciences: an introduction. BC Campus: <https://pressbooks.bccampus.ca/jibcresearchmethods/chapter/11-1-conducting-quantitative-interviews/> (accessed 24 November 2021).

List of acronyms

ILGA: The International Lesbian, Gay, Bisexual, Trans and Intersex Association

APTN: Asia-Pacific Transgender Network

UNHRC: United Nations Human Rights Council

TGEU: Transgender Europe

TLMR: Trans Legal Mapping Report

LGR: Legal Gender Recognition

GSR: Gender Reassignment Surgery

UNDP: United Nations Development Program

OHCHR: Office of the High Commissioner for Human Rights

SOGIESC: Sexual orientation, gender identity/expression and sex characteristics

LGBTQI+: Lesbian, gay, bisexual, transgender, queer, intersex and other lived realities of non-cisnormative and non-heteronormative people, and people with diverse sex characteristics.

UPR: Universal Periodic Review

SPs: Special Procedures

TBs: Treaty Bodies



Introduction

Throughout the world, legal gender recognition remains a major concern for trans human rights defenders. It is a crucial component of gender self-determination. It helps enhance a sense of 'normalcy' to the lives of trans people. LGR is also a matter of bodily autonomy. It marks the legal recognition of one's affirmation of who they really are.

This legal process leading to the affirmation of authenticity continues to be one that is frowned upon in many countries. Some countries have imposed legislation that concern trans citizens, with next to no meaningful consultative processes and engagements with trans communities in all their diversity. This leads to trans-specific laws that are in fact extremely detrimental to the pursuit of human rights, such as laws that imperatively require GRS in order to pursue a process of LGR. In many countries, governments and lawmakers remain oblivious to the ableism and exclusionary dynamics of such laws.

The Trans Legal Mapping Report is a unique piece of research that documents LGR provisions in some 153 countries. The report also includes a focus on de facto and de jure criminalization. From academic institutions to supranational bodies and non-profit sector partners, the TLMR is considered an invaluable resource on the state of LGR around the world.

In developing this toolkit based on TLMR, our primary objective was to craft a document that makes TLMR accessible to a broad community worldwide, and very especially, to trans human rights defenders across the world. Whereas TLMR remains a robust document of legal research, this toolkit has been written and designed by two trans human rights defenders. Its rationale is indeed a 'by us, and for us' approach – guided by a strong commitment to make TLMR more accessible and emphasize the importance of data gathering for LGR and broader trans rights advocacy goals. This toolkit also discusses how community-focused research data can be used to strengthen your international advocacy, especially with United Nations bodies.

Overall, this toolkit is intended to be a useful and relevant publication to trans human rights defenders worldwide. It is grounded in the long tradition of trans human rights advocacy remaining locally-grounded, serving the best interests of our communities.



SECTION 1

The Trans Legal Mapping Report:
An unprecedented body of work?

The Trans Legal Mapping Report is a first of its kind. It documents the challenges trans people face in accessing legal **gender recognition**. It is a work of meticulous research, that also highlights how trans people continue to face criminalisation in many countries. The TLMR was first published in 2016. A revised edition was published in 2017, and the latest version was released in September 2020.

TLMR is a unique research publication that provides an overview of the LGR landscape in 153 countries – a first of its kind. To date, it is the most comprehensive international report of its scale on the topic of LGR provisions across the world.

What is Legal Gender Recognition (LGR)?

The term is self-explanatory. The TLMR defines LGR as follows:

“ *Laws, policies or administrative procedures and processes which set out how trans and gender-diverse people can change their sex/gender marker, names and photograph on official identity documents.* ”

The possibility to make these changes as part of one's process of gender self-determination strongly facilitates day-to-day life, and take a great deal of stress away from our communities. It is also a matter of bodily autonomy – of the extent to which you have the right to determine your personal details and identity documentation to match who you are.

TLMR also sheds light on complex realities surrounding LGR in some countries. What this means is that there is no 'one size fits all' way of approaching the topic of LGR. The provisions in place vary from one country to another. Similarly, the expectations of our community members also vary from one country/territory to another. While some people may opt to legally change their gender markers as well as names, this is simply not possible in many countries. In such cases, name change remains the only possibility.

LGR is also closely connected to another major challenge to trans human rights – the pathologization¹ of trans people. In many countries, a process of gender self-affirmation is only permitted if a citizen is clinically diagnosed of gender dysphoria, through a psychiatric assessment. Some countries also require a 'real life test', an intrusive way of verifying if you really are who you say you are. These practices are deeply condescending and have a negative effect on the health and wellbeing of our communities. Therefore, ongoing campaigns for high quality trans health care, and for affirmative, self-determination focused LGR provisions are very closely interconnected.

Criminalisation: a continuing reality?

In some countries, trans people face the challenge of laws that criminalise any form of lifestyle or behaviour that does not fit into the cisgender male and female binary. While some of these laws explicitly target trans people, others are 'used', especially by law

enforcement bodies, to harass and criminalize trans people. These laws often include 19th century colonial laws such as vagrancy ordinances, and laws that criminalize sexual activities 'against the order of nature'.

TLMR recognizes two forms of criminalization, namely **'de jure' criminalization** and **'de facto' criminalization**. De Jure criminalization involves forms of criminalization that are the result of explicit laws that target trans and gender-diverse people. To quote TLMR:

“ Only a small number of countries in the world expressly criminalise trans people’s identity or behaviour, or those who are perceived to be trans or who transgress gender norms. Often in the form of so-called ‘cross dressing’ laws, they explicitly prohibit a ‘male person posing as a woman’ or vice versa. In those states, legal gender recognition is also not available, which then leaves trans people, or those perceived to be, at risk of arrest and prosecution. ”

De jure criminalization is only the tip of the iceberg. De facto criminalization is much more common, and negatively affects our communities at a much larger scale. It is a less straightforward and more complicated area, where people are subjected to criminalization based on social stigma, persistent prejudices, and forms of state-sanctioned transphobia. TLMR uses multiple strategies to address de facto criminalization, including obtaining direct input from trans human rights defenders in specific contexts and monitoring the latest legal developments.

Why the TLMR?

The TLMR is a vital resource for trans human rights defenders, legal professionals, and everyone else working to the betterment of the human rights of trans people worldwide. It covers 153 countries, which makes it possible to engage in comparative analyses of LGR provisions in different countries and territories. It provides an overall picture of where things stand worldwide when it comes to LGR. To us rights defenders, TLMR shows how far we have come, what our key challenges are, and how far we still must travel, in ensuring that the basic human rights of trans people are guaranteed worldwide.

How to use the TLMR

TLMR is a report that focuses on laws, ongoing legal initiatives, and challenges in the areas of name change, gender marker change and aspects of criminalization that target trans people. It provides information on the legislative possibilities for legal gender recognition. It also discusses ways in which our communities continue to face high levels of de jure, and especially de facto criminalization.

Human rights defenders can use TLMR data when engaging with governments and judiciaries. It can also be very useful when engaging with international bodies, including international partners, as well as United Nations' Treaty Bodies and Special Procedures. TLMR's country-specific information on LGR can provide a very useful basis when preparing documents for the Universal Periodic Review process at the United Nations Human Rights Council, and when making submissions to UN Special Procedures and Treaty Bodies.

Gaps in TLMR data

Quite often, TLMR data also points at another challenging reality – that of missing elements, or 'gaps', in available data. In certain countries, the mere presence of a law on LGR or the possibility to legally change one's name may not mean that these can be done in a straightforward way. In such cases, problematic elements in existing laws result in difficulty for trans people to benefit from such laws.

In **Section Two**, we will be discussing **how best to identify such gaps**. **Section Three** will focus on how you, as local rights defenders, can **develop trans-competent and trans-led data-gathering efforts** to address such gaps. **Section Four** develops on how to use the TLMR and filled-in gaps in data to **engage with human rights mechanisms**.

This toolkit ends with a discussion that **focuses on going beyond data**, and using LGR as a foundation in developing sustainable brands of holistic trans human rights advocacy.



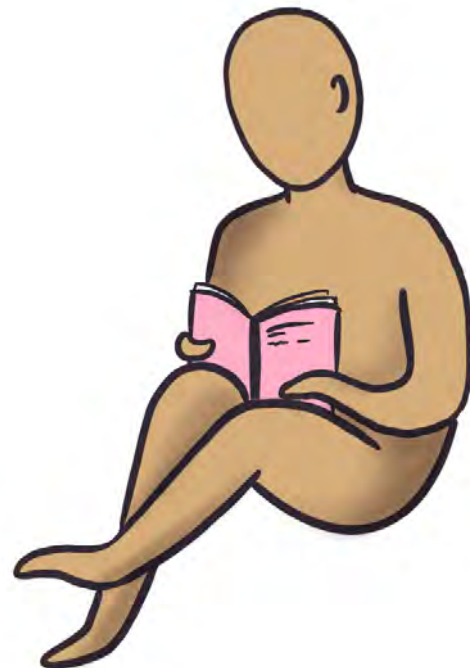
SECTION 2

Gaps in data:

How to make sense of gaps in data?

Key Takeaways

- ◆ LGR is a human right that must translate into laws and public policies.
- ◆ LGR must comply with human right standards and principles that depart from self-determination.
- ◆ TLMR can help us gain a strong understanding of our specific local contexts, and consequently, identify how best to develop local advocacy strategies for LGR.
- ◆ A 'context-sensitive approach' is essential for advocating for LGR in each country. Comparing and contrasting human right standards in different countries and territories can help us shape our advocacy strategies.
- ◆ Understanding the gaps and limitations of each country's legislation and institutions can help us know where to go next.
- ◆ Research and data gathering is essential to strengthen our advocacy. Research goals should align with advocacy goals while respecting, protecting and uplifting our communities.
- ◆ Armed with an in-depth understanding of our specific local context, gaps in existing legislation and public policies, and strong data, we can establish benchmarks and a roadmap to success in our advocacy work.



Complex Realities: the necessity of incisive analyses

LGR is a human right which often translates to, but it is not exclusively, the possibility of changing one's name, gender marker and image in legal documents and registries. LGR is widely understood as the foundation in which states and other stakeholders can guarantee a variety of human rights, such as the right to vote and/or be elected, the right to quality healthcare, housing and education. LGR is crucial to the consolidation of trans rights. This is because **LGR is not only about the mere possibility of changing legal documents, but a broad sense of recognition and visibility in a state and in society¹.**

We can then establish that 'full' LGR requires the following four elements:

- ◆ Respect for the right of an individual to change their name
- ◆ Recognition of the right of a citizen to determine and affirm their gender identity, and thereby the possibility of changing the gender marker on one's identity documentation.
- ◆ The right to gender expression –the possibility of changing the photograph in legal documents according to our own way of expressing ourselves
- ◆ Preparedness to acknowledge multiple intersections of identities –for example, migrant persons, youth, sex workers, and many others. People at these and many other marginal intersections of lived experience face specific challenges when pursuing their gender self-determination processes.

Unfortunately, the right to LGR is often undermined by States due to a variety of reasons. These especially include (and are not limited to) the following:

- ◆ Lack of capacity to understand gender diverse people and communities
- ◆ State-sanctioned transphobia and homophobia
- ◆ Non-conducive political and social context for LGBTIQ+ friendly laws and public policy
- ◆ Lack of 'social awareness' on gender identity issues. In some countries, gender recognition laws do exist. However, they pathologize trans people. This often means that trans people face even more stigma and discrimination when they seek to avail of existing laws. In such contexts, it is extremely challenging to develop holistic trans human rights-focused legislation, based on the central logic of self-determination.

Understanding these challenging realities requires incisive social, cultural and political analyses, so that we can push forward for a world where the right to self-determined LGR is consistently understood and respected.

Engaging in sound analyses of our local social and political contexts is very useful in raising awareness about LGR and trans human rights. This can be done by effectively using social media, podcasts, LGBTIQ-friendly media outlets (if available) and organizations. Knowledge-sharing is also an important element. Using quality resources on trans human rights issues can make a big difference. In many cases, such work is available in English or other European languages. Developing initiatives to translate trans rights-related material into local languages is a very advisable step, in strengthening your local advocacy.

As explained in Section One of this toolkit, TLMR offers an overview of LGR in each country that often includes the following:

- ◆ Information on existing laws for **name change**,
- ◆ Information on existing laws for **gender marker change**
- ◆ Where applicable, information on **executive orders** that concern gender identity and expression
- ◆ Information on **ongoing legislative and in some cases, judicial, proceedings** (e.g., information on ongoing efforts to introduce new LGR legislation in legislative assemblies, often with citations from multiple sources, including the press).

Indeed, this body of knowledge is extremely useful, making TLMR an invaluable resource for rights defenders, legal researchers and other stakeholders.

However, when it comes to local advocacy, a more precise image of the 'local' reality/ies is needed. To this end, it is important to ask questions such as:

- ◆ Are there any specific current cases in the local courts that concern (directly or indirectly) the rights related to LGR?
- ◆ (In case of a bill that is currently being developed by rights activists, and/or being debated in a legislative assembly) In which legislative body is the bill being discussed, and who are the representatives in charge of pushing forward the discussion?
- ◆ Are there available executive orders or public policies that can help LGR? How is the right to gender expression being respected (or not)?

- ◆ What role does local government play in ensuring LGR?

When we reflect along these lines, it becomes clear that although the information that TLMR provides is very important, there can be missing elements to build a comprehensive picture of the latest local situation surrounding LGR. Understanding these missing elements, or 'gaps', is important to build data-driven advocacy strategies locally.



Key questions to ask

How do we make sense of such 'gaps' in data?

What are the parts of the story that TLMR data alone won't tell us?



Identifying gaps in data: a key to a stronger understanding of locally-grounded realities

To identify potential gaps in data, the first step you may want to take is to **dig deeper into LGR in your country by starting off with TLMR**. This involves going through the laws and provisions mentioned in TLMR, related material in the local press, relevant executive orders (if any) and/or court rulings. If TLMR does not have any information because LGR and/or name change provisions are not available in your country, you may want to start by doing some research on the general human rights situation of trans and gender-diverse people in your country. Every bit of information is useful in places where there is a substantial lack of data.

Ideal forms of LGR

Your country may have LGR provisions, but they may not be based on gender self-determination. When existing LGR provisions have not been developed with the best interests of all trans people, LGR risks being inaccessible to many of us. Some of the common problems might include the following:

- ◆ The existing LGR process **may not be accessible** for some trans and gender-diverse communities (e.g. because of the high financial cost of accessing LGR, the lack of understanding among trans people on the existing process).
- ◆ It could also be that existing LGR provisions are **only accessible in big cities**, making things difficult for people in rural areas.
- ◆ Existing LGR laws **exclude trans youth and minors**.

- ◆ The **authorities in-charge** of implementing current LGR provisions are **discriminatory** towards trans people from under-privileged backgrounds and trans people in sex work.

How can we begin a reflection on an 'ideal' form of LGR? A great starting point is the Yogyakarta Principles and the [Advisory Opinion of the Interamerican Court of Human Rights 24/17](#). The latter states that LGR must comply with the following principles:

- ◆ The law/policy must be based on self-determination as well as free and informed consent.
- ◆ It must provide the possibility of change of name, gender marker and image.
- ◆ The law/policy must be non-pathologizing. It should not require other irrational and hurtful procedures like police records, medical exams, hormone replacement therapy (HRT), surgeries, etc.
- ◆ It must be an administrative procedure, not a judicial one that exposes trans and gender-diverse people to victimization and vulnerability.
- ◆ The process must include provisions to update of all other identity documents — such as drivers' licence and passport.
- ◆ The process must be quick, because delays pose a risk for the well-being of people
- ◆ It must be cost-free
- ◆ Confidentiality must be assured. There can be no newspaper publications or annotations on the margins of birth certificates that expose people to social discrimination.
- ◆ Adequate recognition of the principle of intersectionality must be ensured, to include youth, non-binary people, rural communities, or any other particular characteristic, identity or group.²

Transgender Europe also has a checklist for LGR in their [Legal Gender Recognition in Europe Toolkit](#) which can help you dig deeper into the ideal criteria for the procedure, requirements and effects. It is essential to keep in mind that, despite their clear merits, both the Interamerican Court Consultative Opinion and the TGEU Toolkit depart from a specific context, which may not necessarily apply to yours.

¹ Comisión Interamericana de Derechos Humanos (2020) Informe sobre personas trans y de género diverso y sus derechos económicos, sociales, culturales y ambientales. PP. 23.

² Interamerican Court of Human Rights. Opinión consultiva de la Corte Interamericana de Derechos Humanos sobre identidad de género, e igualdad y no discriminación a parejas del mismo sexo (OC 24/17).

Once you have delved into the ideal forms of LGR and the information available in the TLMR, it is useful to analyse these four key elements – **name change, gender marker change, recognition of gender expression and respect for intersectionality**. The chart below might be of help in identifying the key priority areas where more work is required in your local context:

	LEGAL CONTEXT	INSTITUTIONAL CONTEXT	SOCIAL AND POLITICAL CONTEXT
Name change	Is name change available legally? Are there any bills being introduced? How can you use international law in your local context?	Are there internal pathways, such as documents and rules in the institutions? Are government officials sensible to trans issues?	Are there social and cultural discussions around names? Are other groups, such as indigenous people or feminist collectives having these conversations – i.e. indigenous naming traditions? Are there any politicians who may be aware of trans issues?
Gender marker	How the change of gender marker is approached legally, e.g. Can the gender marker be changed in all documents – passport, drivers' licence, or only in the ID? Is the procedure non-pathologizing?	Do institutions follow the procedure in a respectful way? Is the procedure the same in urban and rural areas? Does the procedure include violating requirements such as forced divorce, real life test, etc.?	Are there 'anti-gender' groups that could be against self-determined LGR? Are there any existing pathologizing and discriminatory laws and public policies based on the discourse of the 'protection of life and family'? Are there court cases regarding gender marker change?
Gender expression	Do anti-discriminatory laws and LGR take into account gender expression? How can you discuss gender expression as a cause of violence and discrimination to impact legislation?	Is gender expression respected in the photograph in identity documents? Are trans people able to change their ID photographs in contexts when there is still no LGR?	What are the social rules and expectations of gender expression? Are there any court cases of gender expression being explicit as a cause of violence or discrimination?
Intersectionality	Do legal procedures take into account intersectional realities (e.g. age, disability, race, etc.)?	Is intersectionality acknowledged in practice? What is missing? Is there any information available about trans and gender-diverse groups and their multiple intersections of lived experiences?	Do you live in a country with multiple ethnic groups? How are diverse groups (e.g. women or indigenous people) being treated? Are there any laws that protect such minority groups? How can you make alliances and links of allyship with disability rights movements, anticorruption campaigners, indigenous communities etc.?

After raising and answering these questions, you can add an additional column with possible advocacy actions. See the filled-in example below:

	LEGAL CONTEXT	INSTITUTIONAL CONTEXT	SOCIAL AND POLITICAL CONTEXT	POSSIBLE ACTIONS
Name change	Available according to law	Public officials do not respect the law when it comes to trans people.	There is a favorable public opinion about the right of people to have a name because of cultural background.	Workshops with public officials and sensibilization campaigns for respecting the law.
Gender marker	Not possible according to law but individual cases of trans people in court have been possible.	No information available.	There are negative opinions towards trans and gender-diverse people among leading policymakers and high officials	Avoid Congress. Use the existing jurisprudence and introduce a judicial demand in Constitutional Court or Supreme Court.
Gender expression	There is no gender identity law that protects the right to live one's gender expression.	There is an executive order/Circular to respect trans and gender-diverse gender expression in legal documents in the National Registry.	Little to no social awareness about this issue.	Work among the National Registry to implement correctly the executive order/circular. Use the support of the National Registry to introduce a bill.
Intersectionality	Name change only available to 18+ citizens. Procedure is very expensive and not available in rural communities and in only one language.	Institutions have highlighted the need to expand their services in rural areas.	Feminist groups have been working in decentralizing services for rural women.	Work to introduce a bill or move court to obtain a judgement demanding that action is taken with regards to the cost of the procedure, adverse impact on youth and rural communities. Explore the possibility of developing an alliance with feminist groups to work together this issues.

In addition, you can do this exercise based on the principles of the Consultative Opinion of the Interamerican Court or any other benchmark that clearly highlights the needs of trans and gender-diverse people when it comes to LGR.

This way, you can come up with ideas on how, for example, to conceive a free or low cost procedure for LGR. In case the process in your local context takes a long time, you can explore ways of transforming it into an expedited process. The idea is to clearly show gaps in existing legislation, institutions and in the social context, and offer a course of concrete action.

However, sometimes information is not easily available. For example, you might not be aware of how the procedure works in your country, how many trans and gender-diverse people have changed their names, how many registry offices exist in rural areas or how trans and gender-diverse indigenous communities are experiencing the procedure in their native languages. In such circumstances, research and data gathering can immensely help your advocacy, by enabling you to quantify the negative consequences of not having a functional LGR policy in place. The next section will discuss some aspects of trans-led and trans-competent data-gathering.



SECTION 3

Filling the gaps:

Data gathering for rights advocacy

Key Takeaways

- ◆ Trans and gender-diverse communities are best-placed to carry out research that is accurate and reflects the lived reality of the people who we are trying to reach.
- ◆ Our research goals should align with advocacy goals while respecting, protecting and uplifting our communities.
- ◆ We can strengthen visibility and recognition by designing data gathering efforts that challenge cis and heteronormative ways of researching and understanding our realities.
- ◆ Armed with an in-depth understanding of our specific local context, gaps in existing legislation and public policies, and strong data, we can establish benchmarks and a roadmap to success in our advocacy work.



Having discussed what TLMR involves, and the importance of identifying gaps in data, this section focuses on the next challenge we face as rights defenders – that of carrying out high-quality, community-focused, trans-led and trans-competent data-gathering. To develop LGR policies that are relevant to your local context, and indeed to strengthen your advocacy for trans human rights, developing a ‘data-gathering’ component to your local advocacy can be very useful.

Building upon TLMR: carrying out your own research into LGR

As local rights defenders, you are best-placed to carry out the most accurate data-gathering in your local context. In the rest of this section, we will focus on two aspects of data-gathering. These include research involving government bodies, and community-based research, with a primary focus on trans and gender-diverse people in your local context.

Engaging with government bodies for research

If you were to develop an LGR advocacy strategy by engaging with your home government, you can, for instance, kick-start the process by focusing on government policy, with a primary focus on existing processes (or lack thereof). This is specially helpful if you want to expose problems with existing laws/policies/procedures. This is also an opportunity to compare and contrast the existing processes with the lived realities of trans communities. One way ahead is to use Acces to Information laws, to obtain the information you need. Government policy-based research can be carried out by making use of existing information-related laws such as ‘right to information’ laws.

When developing an advocacy strategy surrounding LGR, here are some examples of possible opening questions to ask government bodies:

- ◆ Please provide information and documentation on how the Legal Gender Recognition Act is being implemented (internal protocols, curricula for public officers, etc.) in provinces and rural areas among the Registry Offices.
- ◆ Please provide data and information on the number of trans and gender-diverse people who have experienced discrimination, violence or other forms of abuse in the last 12 months.
- ◆ Please provide information and documentation on how the gender identity and expression of persons deprived or liberty is being respected in prisons and other institutions.
- ◆ Please give information on the number of trans and gender-diverse people treated in the health system in the last 12 months and provide documentation on internal protocols or other measures that protect the right to health of trans and gender-diverse people.

Questions to government bodies must be specific, and aimed at the relevant institutions. For example, a question on statistics related to discrimination and violence needs to be addressed to law enforcement. Overall, make sure that your questions are based on the objectives of your research, which in turn is aligned with your advocacy objective. Your goal may be that of highlighting inconsistencies data recorded by the State, or to challenge underreporting with your own information.

For more information about engaging with state authorities on SOGIESC issues, you can refer to the [‘UNDP LGBTI Inclusion Index’](#) or the [‘Measuring all the Gaps: Guide for the Operationalization of the Protocol Indicators of San Salvador from an LGBTI Transversal View’](#) – the latter is primarily focused on the Americas and is only available in Spanish.

Advocacy-based research on GIESC rights issues requires a conscious effort to protect and care for our communities. This is especially important when working in places with high levels of transphobic violence.

Here is a list of some protective steps you can take when developing a research initiative:

1 Respect trans and gender-diverse people’s right to gender self-determination when carrying out community-based research. This can be done, for example, by:

- ◆ Leaving a ‘black space’ to respond to the question “What is your gender identity/expression?”
- ◆ In multilingual contexts, ensuring that forms, guidelines and other material are made available in different languages
- ◆ Respecting people’s pronouns during interviews
- ◆ Ensuring a maximum level of accessibility to a community-based research initiative

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Respect anonymity, confidentiality and secure the information collected. It is very important to prioritize the safety and wellbeing of your community, especially in local contexts marked by high levels of anti-trans violence. The datasets, transcripts and recordings that you use for your research should be stored securely and should not be shared outside the research team unless explicitly stated in the Informed Consent Form. Securing data from attacks by anti-gender agitators or any other opposed group is a priority. A data security breach risks compromising the advocacy strategy and the wellbeing of your team and community.

Free and informed consent. Before starting and interview or data collecting effort you should be very clear about:

- ◆ All the possible risks of participating in your study
- ◆ What you can offer the participants in return
- ◆ How you are going to ensure that the information is securely handled
- ◆ What you are going to do with the collected data
- ◆ Ask permission for putting their names or the degree of visibility they are comfortable with (participants may only agree if their name is changed, for example)
- ◆ Ensure that you obtain the explicit consent of all participants. This is essential if the advocacy work involves some degree of visibility that can put trans and gender-diverse people in vulnerable positions.

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Take care and give back to your community. The previous steps can be described as a 'baseline' point of departure for research ethics. There are many other steps you can take to expand these principles. For example, if your research is about interviewing survivors of violence, it is advisable to consider getting on board an expert psychologist who could constructively intervene and contain any discomfort of the participants.

- ◆ As trans and gender-diverse people face high levels of economic hardship, it might be advisable to determine in advance if you could provide your research participants with a **financial honorarium**.
- ◆ At the end of your research, it is very important to **return to the research participants with the conclusions of your research activity**. This is also an opportunity to inform them of how you plan to use their input in strengthening your rights advocacy work.



Data gathering for advocacy with a 'SOGIESC' focus

Very often, data that especially concerns **sexual orientation, gender identity and expression and sex characteristics (SOGESIC)** and trans human rights issues is not recorded in official registries and documentation, which, for the most part, are based on binary cisnormative understandings of gender or sex. In many countries across the world, this has resulted in systemic invisibility of trans and gender-diverse people.

These forms of systemic exclusionary practices can be countered by trans-led, and trans-competent community-based research and data-gathering.

Here are some tips to strengthen visibility and recognition through data gathering:

- ◆ In 'Consent to Research' forms meant for community members, **include separate categories of gender identity, sexual orientation and sex characteristics.** Outside circles specialized in SOGIESC work, there is a tendency to conflate and misunderstand SOGIESC issues. It is therefore very important to **reiterate that gender identity, sexual orientation and sex characteristics are very different issues.** By separating these categories during a data collection exercise, you get a comprehensive picture of the spectrum in which every person stands. Very often, sexual orientation of trans persons is missed because of a cisnormative understanding of terms like 'lesbian', 'gay', 'bisexual' and 'heterosexual'. Gathering data along these lines can be very useful when analyzing the data.
- ◆ **Maintain a focus on how 'cultural backgrounds' shape self-identification.** Terms such as 'LGBTIQ' and 'gender identity' are indeed very useful in the global movement for SOGIESC rights. However, they have been coined in western cultures and they may not capture the full reality in many non-western communities, including indigenous communities in countries generally classified as belonging to the global North. The terms used to describe SOGIESC identities and expressions vary from culture to culture and depend on many factors including history, ethnicity, religion, economic class, age, language, indigenous knowledge systems etc. Taking these realities into account in how you frame the language in your questionnaires and surveys is very useful in **acknowledging and recognizing non-western, non-cisnormative and non-heteronormative identities.**
- ◆ **Design data gathering efforts with your community and the people you are ultimately trying to reach.** This is part of recognizing the importance of the agency and freedom of our communities, and our ability to understand and describe our own realities and experiences. We are the experts of our own lived realities and experiences, and these efforts should always include our voices in designing and implementing research.

Understanding the gaps: a key step in establishing 'benchmarks'

Once you gather and analyze your data, you can start by establishing 'benchmarks' for building a roadmap to LGR. These benchmarks will guide you toward a bigger goal that may initially feel out of reach, such as introducing a parliamentary bill, or a petition in court. For example, after analysing the data you collected, you might notice an opportunity to approach legislators in your country on the topic of depathologization, and the introduction of inclusive LGR policies.

The data you have provides you with a strong basis to raise the issues at hand with policymakers. It is also a basis to develop a workable strategy. What, for example, are the initial steps you can take in moving forward? The search for answers to this question might lead you to government officials, especially in key institutions such as the Ministry of Health. Exploring, and identifying potential allies in such governmental bodies is a helpful step ahead. The data you have collected provides you with a strong basis to directly contact people's representatives, universities, research centres, think tanks and non-profit sector organizations that could be helpful in building pressure in favour of progressive reform.

Benchmarks can also help you to develop project grant applications or build capacity inside your organization. If you have a clear pathway to your goal, donors would be keener to support you. If needed, you and your team can focus on benefiting from a variety of training programmes, capacity building workshops about law reform, or communication for advocacy.



SECTION 4

Bridging the local and the global:

Advocacy, research reporting and
movement-building

Key Takeaways

- ◆ There are three main human rights mechanisms in the United Nations that can greatly strengthen our advocacy work for legal gender recognition: Special Procedures, Treaty Bodies and the Universal Periodic Review.
- ◆ Each UN human rights mechanism has its own peculiarities, produces certain results, and requires certain data input and reporting.
- ◆ It is important to link our local advocacy strategy and strengthen it with different international human rights mechanisms.
- ◆ Engaging with the UN advocacy mechanisms is not an end in itself but a step to strengthen your local advocacy.
- ◆ Ultimately, local advocacy is what causes long-term changes in favor of the RLG, it can be built in many ways.
- ◆ The RLG is not only a goal of national and international advocacy, but also a goal of sociocultural change that requires building movement, communication strategies and community development and collective care.



Engaging with international bodies

In Section 1 of this toolkit, we looked at the content of TLMR. Section 2 focused on identifying gaps in the available data. Section 3 focused on addressing such gaps by community-based, trans-led and trans-competent data gathering. In this section, we will provide a brief overview of how you can use the data in TLMR, and the data you have gathered through your own initiatives, to effectively engage with international human rights mechanisms.

The following discussion will especially focus on engaging with international human rights mechanisms such as United Nations (UN) Treaty Bodies, Special Procedures and other UN agencies. Engaging with UN mechanisms helps strengthen your local advocacy. It raises your position and agency when approaching your local institutions.

A key disclaimer is that the UN mechanisms we note below are a 'selected list'. It is by no means a comprehensive discussion of all UN structures and mechanisms – which is beyond the scope of the present toolkit. We opted to highlight some of the most pertinent and relevant UN mechanisms for trans human rights work, on which ILGA World possesses experience and expertise to support our communities worldwide.

International Engagements: How can I engage?

In this section, we will provide a brief overview of some of the key UN mechanisms with which you can productively engage based on the data you have gathered through your research.

Office of the High Commissioner for Human Rights (OHCHR)

A key ally in your UN advocacy work is the Office of the High Commissioner of Human Rights of the UN – OHCHR. Its mandate includes to **help civil society organizations engage effectively with the UN**. OHCHR can give you workshops for reporting, explain you the main covenants of human rights or even put you in contact with more CSOs working in a coalition. Usually, OHCHR has a **local office in each country** and you can contact them for deadlines for reporting. ILGA also has a list of deadlines that you can use for guiding your work. OHCHR also publishes 'country reports' on the human rights situation in Member States. As a rights defender, you also have the possibility of engaging with, and providing input to, this reporting process. This can help enhance the visibility of your local advocacy work.

The Universal Periodic Review (UPR)

When engaging with UPR Processes, [ILGA World's UPR Advocacy Toolkit](#) can be of immense use. It defines UPR as:

“ A mechanism of the Human Rights Council (HRC) which monitors and seeks to improve the human rights record of each and every UN Member State. Its unique value lies within the three components of its name – Universal, Periodic and Review. ”

United Nations Treaty Bodies

What are treaty bodies?

Treaty Bodies represent a key area which can be used to draw international attention to your local human rights advocacy priorities. Treaty Bodies are committees of independent experts that monitor implementation of the [core international human rights treaties](#). There are ten human rights international treaties, and one optional protocol, from which ten treaty bodies have been established¹. The independent experts who form the treaty bodies are nominated and elected for fixed renewable terms of four years by State parties².

When engaging with Treaty Bodies with a focus on strategic litigation, you can make use of ILGA World's Treaty Bodies and Strategic Litigation Toolkit, a highly comprehensive resource that provides a wealth of information, on strategic litigation, the functional dynamics of Treaty Bodies and case studies where SOGIESC-specific cases have been addressed by Treaty Bodies.

When engaging with Treaty Bodies, you can make tremendous use of [ILGA World's UN Treaty Bodies and Strategic Litigation Toolkit](#).

What is Strategic Litigation?

Strategic litigation is also known as 'impact litigation', 'public interest law litigation', 'test-case litigation', and 'cause lawyering'. Overall, its focus is on the use of litigation to to achieve broader changes to make communities' lives better. The objectives of strategic litigation extend way beyond the immediate goals of the complainant. You can read more about Strategic Litigation in ILGA World's UN Treaty Bodies and Strategic Litigation Toolkit.

United Nations Special Procedures

Special Procedures of the Human Rights Council are, to quote OHCHR,

“Independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. They are non-paid and elected for 3-year mandates that can be reconducted for another three years. As of October 2021, there are [45 thematic mandates](#) and [12 country-specific mandates](#)³.”

¹ For more information on the ten committees and their work, see <https://www.ohchr.org/EN/HRBodies/Pages/Overview.aspx>

² <https://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>

³ <https://www.ohchr.org/EN/HRBodies/SP/Pages/Welcompage.aspx>

Special Procedures mandate holders are generally mandated to execute the following key tasks:

- ◆ Undertake [country visits](#)
- ◆ Act on individual cases of reported violations and concerns of a broader nature by sending [communications](#) to States and others
- ◆ Conduct annual thematic studies, seek information from calls for input and convene expert consultations
- ◆ Contribute to the development of international human rights standards
- ◆ Engage in advocacy, raise public awareness, and provide advice for technical cooperation⁴.

As a rights defender working in your local context, you can productively engage with Special Procedures, on specific subject areas. Responding to mandate holders' Calls for Input, and engaging with them productively during country visits, can help raise international awareness on your advocacy priorities and challenges.

In relation to LGR and trans human rights in general, a mandate with special relevance is indeed that of the [Independent Expert on Sexual Orientation and Gender Identity \(IE SOGI\)](#). Engaging with Calls for Input published by IE SOGI, engaging with this mandate during country visits can **help draw a higher level of attention to your trans human rights advocacy work in the local sphere**, due to the highly subject-specific nature of this mandate.

On the specific case of LGR, UN mechanisms can be helpful in different ways. Engaging with each UN mechanism requires specific advocacy strategies.



⁴ <https://www.ohchr.org/EN/HRBodies/SP/Pages/Welcompage.aspx>

Here is an overview of how your work on LGR can benefit by engaging with three different UN mechanisms – **UPR, Treaty Bodies and Special Procedures**.

	UNIVERSAL PERIODIC REVIEW	TREATY BODIES	SPECIAL PROCEDURES
Nature of the mechanism	Universal peer-review among states. All 193 UN member states get reviewed every 5 years. Has a general and broad scope in the human rights reviewed.	Reviews specific sets of human rights under the nine core conventions or covenants. They include state periodic reviews, general comments and individual communications.	Experts that report to the Human Rights Council and advice on specific human rights issues based on a theme or country. They make country visits and annual reports and communications.
How engagement works	Engaging with diplomats of other countries who deliver recommendations to yours. Keep in mind that your country may or may not accept the recommendation.	Engaging with the committees before, during and after the review of your country by sending questions, information and following up on previous recommendations. Engaging with them in in-country visits.	Sending information when they call for inputs on specific topics of their annual report or for alerting them of possible human rights violations. Engaging with them in in-country visits.
When to engage with this one based on LGR goals	When you are looking for particular recommendations from other countries. This is specially useful is your country is not a signatory of any Covenant or Committee of the Treaty Bodies. If LGR is not available in your country, you may want to engage with UPR and ask for recommendations from countries with advanced LGR policies in place.	When you are looking for a specific recommendation on the interconnectedness between LGR and civil/ political rights, the rights of the child, persons deprived of their freedom, etc. When there is an individual case in court and you want to exert pressure your country's authorities for a positive resolution.	When you are looking for a press release to exert pressure on your government to stop a possible human rights abuse. This may be a measure that endangers the LGR procedure, for example. When you are looking for a recommendation based on the area of the Special Procedure mandate (for example, housing, SOGIESC violence, etc.)
Data input required	General information about the existing gender recognition laws and measures and how they impact the lives of trans and gender-diverse people and communities. Information and about existing laws that impact the human rights of trans and gender-diverse people.	Information about the links between LGR and specific populations such as trans women, indigenous people or persons with disabilities. Information and about existing laws that impact the human rights of trans and gender-diverse people.	Information based on the mandate's theme of focus. Information and about existing laws that impact the human rights of trans and gender-diverse people.

Your advocacy strategy: the key to success

Your engagement with UN mechanisms largely depends on the nature of your advocacy strategy. It is therefore very important to **identify the main priorities for trans human rights work in your country**. When engaging with UN mechanisms, you can use the data you have gathered through your research to provide the UN with a clear picture of the local reality.

The primary goal here is to **secure the endorsement and recognition of the UN mechanism you are engaging with**. This can considerably help strengthen your local work to accomplish your advocacy goals.

How can you engage in international advocacy in a context where there is not much data available?

If you were to find yourself short of sufficient data, (specially when it comes to specific topics such as legal gender recognition provisions available (or not) for trans men in prisons), what can you do?

Here's one strategy: you can **take stock of individual cases of discrimination and violence**, and frame them in such a way that they provide a glimpse into the structural violence, inequality or discrimination that our communities face.

In so doing, **it is also essential to keep in mind that GIGE and LGR issues are private matters**. If you were to refer to specific cases of rights violations, you need to secure the full consent of the concerned individuals. This is especially important if you are to include their names and personal information in your report to a UN mechanism. In case you do not have their explicit written consent, you can anonymize their names and personal data, to protect their identity.

Reprisals: Knowing how, when, and when NOT to engage with UN Mechanisms

Some Member States harbour hostilities towards the UN, often due to a range of political reasons. **Under such circumstances, your engagement with the UN might carry the risk of reprisals**. These may vary from country to country and can include judicial criminalization, public exposure of your private (especially SOGIESC-related) information without your explicit written consent, and administrative sanctions that target your organization, to name but a few. In such challenging scenarios, the UN may not necessarily be able to protect you. However, here are some tips that could be useful in managing such difficult circumstances:

- ◆ If possible and advisable, **develop a coalition of rights defenders** when engaging with the UN.
- ◆ Request the UN **not to publish your organization's name in documentation that is available to the public**
- ◆ Request local or international organizations that specialise in the safety of human rights defenders, for guidelines on ensuring your safety and security.
- ◆ **Choose to temporarily NOT to engage with the UN**, if it poses too many risks.

Beyond data gathering and international engagements: Reporting and after-reporting

To a rights defender or a human rights organization, securing UN recommendations on a matter of human rights advocacy is a substantial achievement. However, it does not mark an end in itself. In reality, this is when the work that has the potential of leading to real change at local and national levels begins.

Working with UN recommendations helps you approach local institutions with increased agency. They are helpful in holding governments accountable. They provide you – the local rights defender – with stronger ammunition to exert pressure on your State to respect its human rights obligations.

Here are some local advocacy tips that might help you follow up on recommendations:

Reporting to the UN should not be the end goal. You can use the reporting process to strengthen your ongoing advocacy work.

Measuring successes: when working at national level, the data you have collected through community-based research can be very useful at all times. Data gathering mechanisms, such as surveys, can be used as a means of ‘measuring’, if not evaluating the process achieved (or not) by authorities. For example, you can use a survey to gather data from the community on LGR-related policy needs. A year or two later, you can use the same survey to go back to your community, and the responses you get will be very helpful in measuring if the state has been able to respond constructively to the expectations of our communities.

Strengthening inclusive approaches to public policy. You can use your position (strengthened by UN engagements and local mobilization) to pressure your government to constructively include trans and gender-diverse people in public policy and law reform initiatives. The statement ‘nothing about us without us’ carries a great deal of resonance.

Demand that the State measure the impact of its interventions and measures. The state has an obligation to make its data-gathering processes (e.g., national census) inclusive. Many states fall short of having a focus on SOGIESC data. As rights defenders, we must encourage state authorities to ensure that they develop a SOGIESC focus in their data-gathering initiatives. It is also important to reiterate to authorities that they can partner with organizations such as yours, as well as with representatives from communities of diverse SOGIESC, engaging with you as resource persons in developing a SOGIESC focus of governmental data gathering efforts.

Overall, you can work towards developing potential partnerships with government bodies by:

- ◆ Developing protocols and guiding documents for government officials, on best practice when engaging with trans and gender-diverse citizens.
- ◆ Developing bespoke workshops and training sessions to sensitize public officials on the application of LGR measures.
- ◆ You and your organization/collective can serve as a bridge between state authorities and trans and gender-diverse communities. This can be very helpful in the dissemination of information and strengthening mutual understanding.
- ◆ Be an active part of public discussions of laws, public consultations, and other measures to achieve LGR. Make sure that these efforts are informed by trans-led and trans-competent data.

Demand that the State hire trans and gender-diverse individuals to work with our communities. This may be a short-term measure for a specific goal but may turn into a long-term project to have employment alternatives for trans and gender-diverse people.

Case Study: Peru⁵

Civil Society Organizations (CSOs) in Peru documented and reported to their institutions that trans and gender-diverse people lacked official personal documents like birth certificates and IDs. The undocumentation rate among trans and gender-diverse people was at 13% compared to 0.7% of general population. As a way of addressing this situation, the State convened a Working Group consisting of trans CSOs, UN officials based in the country, the Peruvian Ombudsman and representatives of relevant government departments. At the end of a series of quarterly meetings, they reached the following important decisions:

- ◆ Development of a **care protocol** for trans and gender-diverse people
- ◆ **Preparation of a guide** meant for gender-diverse people applying for identity documents and birth certificates
- ◆ **Qualitative study** with a focus on trans and gender-diverse individuals
- ◆ **Workshops for public officials and CSOs** on supporting trans and gender-diverse people applying for identity documentation
- ◆ **Development of a dialogue on the gender identity law** based on the Consultative Opinion 24/17 of the Interamerican Court
- ◆ The Working Group took 16 individual cases of trans and gender diverse people to get aid them in getting documentation, that also served to document discrimination which in turn served for the writing of the protocol.

This is a revealing example on how advocacy can be used to develop 'benchmarks' to secure gender-affirming identity documentation for trans and gender-diverse people, even in the absence of formal LGR policies. Achievements of this nature are extremely helpful in developing a dialogue on a gender identity law. It is important to highlight the key role of trans-led CSOs in developing such positive interventions.

⁵. Organización de los Estados Americanos (2020). Panorama del reconocimiento legal de la identidad de género en las Américas. Pp. 162-163. Available at: <https://tinyurl.com/ypnank3z> (accessed 26 November 2021). Spanish only.

Concluding remarks: Communication, movement-building and caring for our communities

Legal gender recognition requires a great deal of work that goes beyond research and national/supra-national advocacy. We people live in a cis-hetero-normative cultural and social structure, which can at times negatively affect our work and in some cases compromise our own safety and wellbeing. Under such circumstances, it is immensely useful to strengthen our support networks. It is very useful to position yourself at a constant learning curve, when it comes to communication skills, movement-building and community-based care. Here are some resources that you can explore:

Framing and communicating LGR-related issues

Communicating effectively on the topic of legal gender recognition can – at the onset – appear to be challenging. Unlike marriage equality, LGR does not depart from a widely known cultural tradition such as marriage or the concept of the nuclear family. Its legal nature may seem somewhat unrelatable at first, to many people in the wide public. However, creative communication strategies, such as trans-competent storytelling can have a positive effect when raising public awareness on LGR. The [Framing Equality Toolkit](#) can help you gain a deeper understanding of LGBTIQ communication for sociocultural transformation. The [Gender Justice Leadership Programs](#) contain a set of communication resources that vary from storytelling, and media interviews.

Building coalitions and networks of allyship

Coalitions are useful for many more things than reporting to the UN. Building support is less about convincing opponents and more about **getting key stakeholders to raise their voices in support of human rights**. Building allyship is of great importance to all aspects of trans human rights advocacy.

Taking care of yourself!

This toolkit emphasises the idea of **taking care of yourself and your community** in all its chapters. From data gathering and research to reprisals when engaging with UN mechanisms, trans and gender-diverse people are disproportionately impacted by structural violence and discrimination in all spaces. That's why supporting and caring for each other is essential to our work and to the very survival of our movement. You can develop self-care practices, community-care practices based on resources such as the Queer and Transgender Resilience Workbook. Legal gender recognition is a core element of intersectional justice and equality. In this sense, it is a form of structural self-care, for trans and gender-diverse people.

Conclusion: Going Beyond LGR

LGR as a tool for Trans Liberation

In this toolkit, we focused on ways of identifying gaps in the current state of legal gender recognition of each context. This led to a focus on ways of addressing such gaps through research and advocacy, with a special emphasis on engaging with human rights mechanisms. **We depart from the perspective that context-sensitive information is key to transformative local advocacy work** that positively impacts the everyday lives of our communities. We know that the realities in which we as trans and gender-diverse people live are complex and often marked by high levels of violence and discrimination. **Unfortunately, legal gender recognition (LGR) may not be enough to tackle these challenges and guarantee the right to gender self-determination and other inalienable rights** such as safety, fair treatment by justice systems and access to education.

Legal gender recognition, then, is only a means towards a more extensive 'end'. This end is **to live freely as our authentic selves in society, where our identities and truths are celebrated and welcomed with fulsome rights**. For us, trans liberation means to live long, good and fulfilling lives as trans and gender-diverse people, availing of our right to gender self-determination and the possibility of positively envisioning our collective futures.

To trans and gender-diverse people, **legal recognition is a key step in guaranteeing other core human rights such as the right to health, education, housing and justice. Legal gender recognition serves as a basic legal structure for being socially, culturally and politically visible**. Consequently, for rights defenders, it is a powerful tool for demanding recognition and support to state institutions and society in general.

Exemplary gender identity-related laws and other forms of legal recognition include in their contents the right to live free of discrimination, autonomy and even the right to health as part of a non-pathologizing approach to LGR. In other countries legal recognition is quoted and serves as the basis for reparatory or inclusion laws. This is the case, for instance, in countries such as Argentina and Uruguay. TLMR also offers an overview of these laws that serve as an example for advancing trans human rights.

There are many ways in which you can holistically work towards advancing human rights on the basis of LGR, each one depends on your specific legal and political context. Furthermore, you can use existing norms, policies, or legislation to monitor the implementation of LGR. **Dismantling systems of oppression, advancing justice and equality for all trans and gender-diverse people is an ongoing process that requires constant analysis and work**.

Ultimately, we need to keep searching for answers to these questions: what does trans liberation mean for our communities worldwide? What needs to change in our current systems so that LGR does NOT mean more violence to our bodies and communities –i.e., when we live in authoritarian States? How can worldwide trans and gender-diverse communities tackle these challenges? We meant this toolkit to be a small step in the long process of seeking viable answers to these questions. **We hope to contribute to answering these questions and we enthusiastically invite everyone to join us in building a kinder world for trans and gender diverse people**.