

Afghan women illegally forced into 'virginity tests'

By Stefanie Glinski

Thomson Reuters Foundation (19.10.2020) – <https://reut.rs/2HoPC4s> – Women in Afghanistan are being forced to undergo so-called virginity tests, more than two years after a law requiring consent was introduced, researchers said on Thursday.

The test involves a doctor performing an examination to identify whether the hymen – the thin tissue that may partially cover the vagina – is intact, and has been condemned by the United Nations as “painful, humiliating and traumatic”.

A study by Afghanistan’s Independent Human Rights Commission found forced gynaecological examinations were still being conducted without the consent of the patient or a court order, as required by a 2018 law.

The Commission interviewed 129 women across Afghanistan and found 92% of tests were performed without consent or a court order.

Most of the victims were prisoners, while nine were under police surveillance. Just nine said they had agreed to the examination and one said she had received a court order, said

the Commission, which wants the tests to be banned completely.

“Afghan women have always been victims of violence, with women often mistreated due to crimes committed by men,” said chairwoman Shaharзад Akbar.

“Compulsory gynaecological examinations are one of the types of violence that have been perpetrated against Afghan women and violate their human dignity by humiliating and insulting them.”

Global health and women’s rights organisations have called for the practice to be banned, with the World Health Organization calling it a “violation of the victim’s human rights.

Medical experts say the test does not prove whether a girl or woman has had sex as the hymen can be torn during physical activity or use of a tampon. Some girls are born without a hymen.

Yet it remains widespread in some countries, including Indonesia, where women applying to the police are often required to undergo tests for “mental health and morality reasons”.

In Iraq, Yazidi women who had been kidnaped by the Islamic State were routinely tested by Kurdish officials until 2016.

Lyla Schwartz, a psychologist who set up a mental health initiative after working with young Afghan women forced to undergo testing, said they were often used to prove intercourse outside of marriage.

“Girls and women feel assaulted and violated – and girls who may have endured traumatic experiences and undergo testing feel assaulted yet again,” she told the Thomson Reuters Foundation.

“It is degrading and serves to retraumatise the assault survivor.”

Fatimeh, a woman living in detention who underwent a forced test, said she was “shocked” to discover she had been referred.

“I felt humiliated and insulted. I will never forget the experience,” Fatimeh, whose name has been changed to protect her identity, told the researchers.

**Georgian police abused LGBT+
activists with strip**

searches, court rules

Ex-Soviet nation breached international obligations by failing to protect them from inhumane and degrading treatment, court rules.

By Umberto Bacchi

Thomson Reuters Foundation (08.10.2020) – <https://bit.ly/3lE5nTM> – Europe's top rights court said on Thursday Georgian police had deliberately humiliated LGBT+ activists by strip searching them during a raid, a ruling campaigners hope will help change attitudes towards gay people among local authorities.

The European Court of Human Rights (ECHR) found the ex-Soviet republic had breached its international obligations by failing to protect the activists from inhumane and degrading treatment, and by not properly investigating the incident.

“The judgment exposes systemic discriminatory attitudes within the Georgian police, which must now change,” said Philip Leach, director of the British-based European Human Rights Advocacy Centre (EHRAC), which represented the claimants.

The Georgian government did not immediately reply to a request for comment.

Georgia has witnessed a cultural clash between liberal forces and religious conservatives over the past decade as it has modernised and introduced radical reforms, though it remains socially conservative for the most part.

It has passed anti-discrimination laws in an effort to move closer to the European Union, but LGBT+ rights groups say there is a lack of adequate protection by law enforcement officials in cases involving homophobic abuse.

Thursday's ruling stems from a December 2009 raid on the Tbilisi offices of the Inclusive Foundation, Georgia's first but now-defunct LGBT+ organisation, where a group of campaigners, mainly women, had gathered to prepare an art exhibition.

According to witness statements, plain-clothed police officers looking for drugs arrived without showing a warrant and became aggressive upon realising they had entered the premises of an LGBT+ group.

The officers insulted the women present, calling them "sick", "perverts" and "dykes", and threatened to reveal their sexual orientation to their families.

Cannabis was found inside the desk of the group's director, who was arrested and charged with a drug offence. He later confessed to the crime and was released on the condition he pay a fine as part of a plea bargain.

Nearly all of the women were told to undress – but police did not search the clothes they were told to take off.

In 2010, two of them – Ekaterine Aghdgomelashvili and Tinatin Japaridze – filed a criminal complaint for police abuse with local authorities.

They later appealed to the ECHR, which found that while the local case was still ongoing, authorities had yet to undertake a single investigative act.

In a unanimous ruling, judges said police behaviour was “grossly inappropriate” and motivated by homophobic hatred, the court said in a statement.

Neither the police nor the government had given reason for the strip searches, leading judges to conclude “their sole purpose had been to embarrass and punish the applicants”, the court added.

“It’s a very emotional moment. This case changed quite a lot of my life, negatively mostly,” Japaridze told the Thomson Reuters Foundation in an online call. “After 11 years I have a sense that justice... is in place.”

The court awarded her and Aghdgomelashvili \$2,000 each in damages, and rights campaigners hailed the ruling.

Keti Bakhtadze, a lawyer at the Women's Initiatives Supporting Group (WISG), a Georgian LGBT+ group of which Aghdgomelashvili and Japaridze are members, called it "very important".

She said she hoped it would push the government to push legislative changes and introduce awareness campaigns and training on LGBT+ issues for law enforcement officials.

UK gov't scraps key transgender rights reform

Britain's government has dropped plans to let transgender people change gender legally without a medical diagnosis, after two years of heated debate.

By Rachel Savage

Thomson Reuters Foundation (22.09.2020) – <https://bit.ly/3iburiQ> – Transgender people will not be allowed to legally change gender without a medical diagnosis, the British government said on Tuesday, scrapping a proposed reform that sparked furious debate between LGBT+ and women's rights campaigners.

The government launched a consultation two years ago on overhauling the 2004 Gender Recognition Act (GRA) to allow

“self-ID” in England and Wales – a reform opponents said could allow predatory men access to women-only spaces such as toilets.

While the “self-ID” proposal was scrapped, the cost for trans people to change birth certificates will be cut from 140 pounds (\$180) to a “nominal amount” and the process will be moved online.

Trans rights advocates expressed disappointment at Tuesday’s announcement on the outcome of the consultation.

“It’s a shocking failure in leadership,” Nancy Kelley, the chief executive of Stonewall, Britain’s largest LGBT+ advocacy group, said in an emailed statement.

“While these moves will make the current process less costly and bureaucratic, they don’t go anywhere near far enough toward meaningfully reforming the Act to make it easier for all trans people to go about their daily life.”

Countries including Ireland, Portugal, Norway and Argentina have “self-ID”, allowing trans people to legally change gender via a legal declaration and without doctors’ involvement.

Almost two thirds of the 102,818 respondents to the British consultation said they backed removing the requirement for a diagnosis of gender dysphoria, a government report showed.

More than three quarters said they supported scrapping the need for trans people to show they had lived in their gender for a specific time period – currently two years.

But women's rights activists who had opposed the introduction of "self-ID", welcomed the news.

"It's really good news and it acknowledges a fair balance between trans people and women's rights," Nicola Williams of Fair Play for Women, which campaigned against the reform, told the Thomson Reuters Foundation.

She said the group's priorities would now be looking at how to ensure "privacy, safety and fairness" when it came to trans people accessing women-only areas such as hospital wards, prisons and changing rooms.

In the United States, women's rights groups said in 2016 that 200 municipalities that allowed trans people to use rape crisis facilities and domestic violence shelters saw no rise in sexual violence or public safety issues as a result.

Some British trans rights campaigners expressed relief that the sometimes-toxic debate over the issue may now cool down.

Harry Potter author J.K. Rowling weighed into the issue earlier this year, saying she did not support "self-ID" as it

would be “offering cover to predators”, a view she said was informed by her experience of domestic violence.

“Hopefully it means that so much negative attention that has been sent our way as communities can be quietened,” said Cara English of advocacy group Gendered Intelligence.

She said that their focus would now be “things that affect us in a much more material way”, including healthcare and hate crime.

Disney, Google, Microsoft back trans rights amid fierce British debate

Trans rights have become a contentious issue in Britain as the government decides whether to ease the rules on legally changing gender.

By Rachel Savage

Thomson Reuters Foundation (14.09.2020) – <https://tmsnrt.rs/2E0YZpq> – Dozens of organisations including Disney, Google and Microsoft weighed into a fierce debate over transgender rights in Britain on Monday, writing to Prime Minister Boris Johnson to ask him to support making it easier

for people to legally change gender.

Trans rights have become a contentious issue since the government launched a consultation into reforming the Gender Recognition Act in 2018, with opponents saying easing the rules could potentially let predatory men into women-only spaces.

Multinational companies were joined by universities and trans advocacy groups in the open letter to Johnson, which drew 83 signatories. Dozens more, including BP and Unilever, pledged support for trans rights in an online statement.

“We wanted to get this public statement out that says no matter what you’re reading from certain sources, that’s not reality,” said Bobbi Pickard, a BP project manager who came out as trans in 2018 and who spearheaded the open letter initiative.

“Being trans is something that’s a naturally occurring form of human development,” she said. “We all want our employees to flourish in their careers and their lives and trans people should be allowed to do that as well.”

Britain’s government has repeatedly delayed its response to the trans law consultation, and in June local media reported that it was set to scrap plans to let trans people change their gender on birth certificates without a medical diagnosis.

A spokesman for the government's Equalities Office said in an email that officials were working through the results of the consultation and "will be responding shortly".

Countries including Ireland, Norway and Argentina allow trans people to change their legal gender without a medical diagnosis, known as "self-ID".

Prominent figures including "Harry Potter" author J.K. Rowling have expressed concern that "self-ID" could allow men into women-only spaces such as toilets and changing rooms, endangering women and girls.

Monday's letter, which was initially sent privately in July with fewer signatories, pledged support for trans staff and urged the government to support the consultation's findings.

"We all strive to be trans-inclusive organisations and believe that a diverse workforce, including trans employees, offers greater business success," it said.

"Failing to honour the government's commitment to implement the consultation findings, and even increasing restrictions on trans people's ability to live authentically, benefits no one," the letter added.

Robbie de Santos of Stonewall UK, an LGBT+ advocacy group that

helped coordinate the campaign, said numerous companies had got in touch to say they wanted to show the British government that there was support for trans rights.

“Actually that support is not being heard in the mix of the often very toxic social media environment,” he told the Thomson Reuters Foundation.

Coronavirus and stigma among priorities for India's new transgender council

Trans people are often rejected by families and denied jobs, education and healthcare.

By Annie Banerji

Thomson Reuters Foundation (25.08.2020) – <https://tmsnrt.rs/2EGln85> – Discrimination, housing and the impact of COVID-19 are among the top priorities for India's new National Council for Transgender Persons, two trans members said on Tuesday.

India is seen as a global leader for its efforts to improve the lives of an estimated 2 million trans people, who face prejudice in the largely conservative country and mostly

survive through begging, performing at weddings or selling sex.

“One point that runs as a spinal cord in all of this is stigma and discrimination,” said Laxmi Narayan Tripathi, one of India’s highest profile trans leaders and a member of the council, which she described as “historic”.

“We have to get down to work with a big advocacy plan to end this,” Tripathi, who was a petitioner in a landmark 2014 court ruling which recognised trans people as a third gender with equal rights, told the Thomson Reuters Foundation.

Trans people are often denied access to jobs, education and healthcare – three areas that Tripathi, a founder of the Asia Pacific Transgender Network, highlighted as priorities, along with shelter.

The council aims to ensure equality by advising on and monitoring government policies and to “redress the grievances” of trans people, according to a 2019 law to protect trans rights, which provided for its creation.

Headed by the social justice minister, the council will be packed with representatives from a dozen federal ministries and departments, including health, housing and employment, and state governments, as well as five trans representatives.

But members were unclear what, if any, formal powers the

council would have.

Coronavirus

Some hope the council will look at the impact of the new coronavirus on trans people, who have been among those worst hit by India's months-long lockdown, which halted sex work and weddings and passenger trains – a popular site for begging.

“While certain government schemes have helped them, including pension and food ration, others have not reached them,” said Meera Parida, who chairs the All Odisha Third Gender Welfare Trust and a member of the council.

Parida said she would try to make it easier for trans people hit by the pandemic to access government support programmes such as housing and affordable rent.

The council is already facing criticism from some within the trans community, days after its formation.

Anindya Hajra, a trans woman who works with LGBT+ charity Pratyay Gender Trust, said it did not adequately represent lower-caste and socio-economically disadvantaged trans people.

“(The council) is a validation to the process of bureaucratic bulldozing of our lives and experiences and deciding on behalf

of us,” she said.

Independent trans activist Karthik Bittu Kondaiah also criticised the process for selecting members as “undemocratic” and lacking transparency.

Tripathi said trans people from all backgrounds would get a chance to be a part of the council as each member had a tenure of three years.