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BRAZIL / EU: Marielle Franco is the first-ever LGBTI person to be on the Sakharov Prize shortlist

EP LGBTI Intergroup (10.10.2019) - <https://bit.ly/2IUsoY1> - The European Parliament announced the finalists for the [Sakharov Prize](#) on 9 October 2019. And for the first time in its 30 years of existence, a person from the LGBTI community is on the list: Marielle Franco.

Marielle Franco was a Brazilian politician, feminist and human rights defender. A black bisexual activist, she fought for the rights of women, young black people, favela residents and LGBTI people in Brazil until she was brutally murdered in March 2018, aged 38.

Marielle Franco and Jean Wyllys, openly gay Brazilian politician and LGBTI rights defender, now in exile in Europe, were together the first-ever nominees for the Sakharov Prize to come from the LGBTI community. Jean Wyllys' nomination was withdrawn at his request so other human rights defenders from Brazil, Chief Raoni and Claudelice Silva dos Santos, could be on the shortlist.

"With this nomination, the European Parliament takes a strong stand against rampant and unacceptable violence against LGBTI people, in Brazil and around the world. But it is also sending a strong message to public figures – such as President Bolsonaro – who are condoning violence against LGBTI people: we will not accept this any longer," said Terry Reintke, Co-Chair of the LGBTI Intergroup.

72 countries worldwide still criminalise homosexuality, yet none of them kills as many LGBTI people yearly as Brazil. Same-sex couples may have the right to marry and adopt children in Brazil, but this is not enough to protect the whole community against increasing violence, sometimes encouraged by public figures such as President Bolsonaro himself.

Brazil holds a sad record: the world highest LGBT murder rate. In 2017, more than 380 murders against LGBT people were registered – a 30% increase compared to 2016 (according to the Gay Grupo de Bahia). That's more than one person killed per day simply because of who they are. And this doesn't even take into account the high numbers of suicides in the LGBTI community.

Marielle Franco was dedicated to the defence of human rights and for this, she paid the price of her life. Like too many LGBTI people worldwide who are killed for simply wanting to be themselves.

"We can only celebrate her historic nomination, for the visibility it brings to those fighting LGBTI-phobia but also sexism, racism, poverty and police violence. The European Parliament is showing its commitment to defend the human rights of everyone, regardless of who they are and wherever they live – because human rights are universal," said Tanja Fajon, Vice-President of the LGBTI Intergroup.

Since 1988, the Sakharov Prize is awarded every year by the European Parliament to individuals who have made an exceptional contribution to the fight for human rights across the globe, drawing attention to human rights violations as well as supporting the laureates and their cause.

The 2019 laureate will be announced in December 2019.

BRAZIL: Legal battle over Marvel comic gay kiss in Brazil

CNA (08.09.2019) - <https://bit.ly/2kDFwkU> - In a fresh legal twist, a Brazilian court has allowed the evangelical mayor of Rio de Janeiro to confiscate books with LGBT content he considers "inappropriate" for minors, sparking fears over censorship and discrimination.

Saturday's (Sep 7) ruling suspends an interim injunction which had blocked the mayor from trying to ban a Marvel comic book on sale at the Rio book fair which shows a kiss between two male superheroes.

Ultra-conservative mayor Marcelo Crivella had ordered the book removed from sale because of its "sexual content for minors."

Crivella - a former bishop in the giant Universal Church of the Kingdom of God - was elected Rio's mayor in 2016, promising to bring law and order to a city beset by crime.

The drawing that sparked the mayor's ire showed the Marvel superhero characters Wiccan and Hulkling exchanging a kiss, fully dressed.

Crivella's move backfired as copies of "Young Avengers: the Children's Crusade" quickly sold out after he demanded it be withdrawn from the book fair, organizers told AFP.

Popular Brazilian YouTuber Felipe Neto, who has more than 34 million subscribers to his channel, also bought 14,000 books on LGBT themes and distributed them free at the fair in protest.

The image of the Marvel comic kiss was also on show Saturday at news kiosks across the country, printed on the cover of the Folha de S. Paulo, Brazil's largest national newspaper.

'Discriminatory Ruling'

But on Saturday afternoon, the president of the Rio de Janeiro Court of Justice suspended the injunction, endorsing the actions of the mayor's office.

For Judge Claudio de Mello Tavares, it was not expected that a superhero comic would address issues of sexuality so it should come with a content warning.

"Because it is a superhero work - attractive to a juvenile audience - which addresses the issue of homosexuality it is necessary that parents be duly alerted" before deciding "whether or not the text fits their vision of how to educate their children," Tavares argued in his ruling.

The organizers of the book fair, which ends Sunday, said they would appeal to the Supreme Court to reverse the ruling.

Publishers and writers accuse the mayor of wanting to censor content.

The mayor's actions, and the judicial decision, may violate freedom of expression and discriminate based on sexual orientation, said constitutional law specialist Michael Mohallem, of the Getulio Vargas Foundation.

"Since the decision seems to be specifically aimed at prohibiting the circulation of magazines that show gay kisses (rather than any other), my interpretation is that it is motivated by discrimination, both by the mayor and the judge," Mohallem said.

Brazil's Supreme Court in June voted to criminalize homophobia, classifying it as a crime similar to racism.

It was an important step for sexual minorities in one of the most dangerous countries for LGBT people in the world but was criticized by far-right President Jair Bolsonaro, who has a history of homophobic remarks.

Brazil had already legalized same-sex marriage.

MEXICO: Mexico trans women fight for justice as killings go unpunished

By Associated Press

The LA Times (09.09.2019) - <https://lat.ms/2m5wei0> - Months after Kenya Cuevas' friend was killed in front of her, a funeral wreath with Cuevas' name on it arrived at her doorstep. The implication was clear: Keep making noise about slain transgender women and you'll be next.

Mexico has become the world's second deadliest country after Brazil for transgender people, with 261 transgender women slain in 2013-2018, according to a recent study by the LGBTQ rights group Letra S.

President Andres Manuel Lopez Obrador, who took office Dec. 1, has promised his government will carry out "effective" investigations into LGBTQ hate crimes, but the grisly rate continues. Sixteen transgender women were reported killed in the first four months of 2019 and at least six more since then, according to an Associated Press count of cases reported in local media.

Like most crime in Mexico, nearly all such slayings go unsolved and unpunished — less than 3% of the killings of LGBTQ members have resulted in convictions since 2013. So transgender community leaders and activists are largely on their own in pursuing long-denied justice.

Cuevas became an activist on Sept. 29, 2016. That night, her friend and fellow transgender sex worker Paola Buenrostro got into a client's Nissan and was shot multiple times. When Cuevas ran to the car's passenger side, the man pointed the gun at her head and pulled the trigger. The weapon jammed.

Cuevas grabbed the man and held him until police arrived, at which point she began recording on her cellphone. But despite multiple witnesses to the killing and Cuevas' video, the man was released from custody a few days later.

An angry Cuevas soon quit sex work and founded the organization Casa de Muñecas, Spanish for "house of dolls," to campaign for protections for transgender women. She is now one of the most visible transgender activists among a growing chorus of women seeking change from Mexico's government.

Death threats have followed, and Cuevas now has security cameras installed at her home and is accompanied by two bodyguards provided by a governmental program that tries to protect activists and journalists.

"When that happened to Paola, I protested and I did it publicly, asking for justice the entire time," Cuevas said. "I don't want special treatment. Just give me justice — do your job."

Lina Perez, president of the pro-LGBTQ organization Cuenta Conmigo, said slain transgender women rarely receive justice because authorities often look down on them.

"It's easier to grant impunity because the same people that oversee the law think that they're sick, that there is something wrong with them," Perez said.

Activists do point to some victories in recent years. A major one came in 2014 when Mexico City became the first place in the country to let transgender people change their gender and names on their birth certificates, a law that has since been adopted by six of Mexico's 31 states.

That change was pushed for in part by the activist group ProDiana, which is led by Diana Sanchez Barrios.

Sanchez Barrios said that before the law, transgender people had to go through expensive judicial processes to amend identifying documents. She was forced to undergo tests on her mental state, produce a litany of witnesses from throughout her life and spend thousands of dollars to legally change her gender and name a decade ago.

"It's like you were on trial being made guilty just for being a trans woman," Sanchez said.

About 4,000 transgender women have changed their official documents since Mexico City's laws became more accepting, but violence persists.

"We're always the most vulnerable," Sanchez said. "We're the perfect target for discrimination."

ProDiana now is pushing for institutional reforms to prevent discrimination by key areas of the government, like the police.

Sanchez said police "have not been a great ally for trans women." She described years of extortion and violence suffered at the hands of officers who are supposed to protect citizens.

A common thread of vulnerability runs through the lives of transgender women, who are often shunned by their own families and forced into the streets. Cuevas and Sanchez both ran away from home at a young age to begin their transitions.

"We went to the funerals of murdered friends and the families didn't want us there," Sanchez said. "We have to be very far from certain relationships in our friends' lives."

Many employers also refuse to hire transgender women, forcing them to rely on sex work and exposing them to the dangers of the streets, activists say.

Killings of transgender women mirror Mexico's broader struggle against cartel and gang violence, with homicide totals setting new records several years running.

Last year, 53 transgender women were killed in Mexico. They include a woman found in a trash bin with her face pummeled beyond recognition by a rock. One was tortured to death by captors while her family heard her last moments over the phone. Another was found naked and strangled in her bedroom. No suspects have been publicly identified in those cases.

Most recently, on Aug. 13, a transgender woman died from eight stab wounds in Mexico City, local media reported. Her attacker escaped and police have named no suspects.

While Lopez Obrador's government has publicly sided with LGBTQ rights, it's not clear what protections might be put in place or envisioned to combat violence against the community.

Alexandra Haas, director of the federal National Council to Prevent Discrimination, said the administration wants to retrain local prosecutors and police in handling cases involving transgender sex workers. She said the government is working with the attorney general's office to establish unified protocols across Mexico.

"It's very important to us that we make it so local prosecutors take these cases seriously," Haas said.

Sanchez said there is a lot of work to be done at all levels of government. She would like to see the federal government pass a marriage equality law, as it is currently governed on a state-by-state case, and challenge other local decisions that may infringe on rights such as legally changing one's gender.

"This leftist government that has majority control of Congress and the Senate and locally in Mexico City has to generate laws in favor of sexual diversity," Sanchez said.

In the capital's Pride parade in June, Cuevas rode down the city's premier avenue on top of a hearse to call attention to the violence against the transgender community.

Death has not stopped following her. Last January, Cuevas' friend Pamela Sandoval became the first known transgender woman to be killed under the new administration.

Cuevas said she is willing to endure the death threats if it means she can help secure a safer world for Mexico's transgender community.

"If I don't do it, the government isn't going to do it," Cuevas said. "And if I wait for the government to do it, how many more people are going to be killed?"

PANAMA: Panamanians protest proposed ban on marriage equality

Amendment would define marriage as between a man and a woman.

By Cristian González Cabrera & Adolfo Berríos Riaño

HRW (06.11.2019) - <https://bit.ly/2rGjW2x> - Update: On November 8, President Cortizo recommended that many of the controversial constitutional amendments be scrapped, including the one banning marriage equality. The National Assembly will revisit the constitutional reforms in the next legislative session in 2020.

"They are gay and they cannot enter," said legislator Jairo "Bolota" Salazar on October 29 about a group of protesters outside the Panamanian National Assembly, as he barred them from entering the building.

This affront encapsulates the grievances of protesters who have taken to the streets of Panama City to protest against constitutional reforms preliminarily approved by the legislature last week. One of these would amend the constitution to define marriage as between a man and a woman. Panama already excludes same-sex couples from marriage under Article 26 of its Family Code. But writing discrimination into the constitution would effectively bar lesbian, gay, bisexual, and transgender (LGBT) people from being equal members of Panamanian society.

The past week's protests, to which police have reportedly responded with arbitrary detentions and excessive force, address issues beyond marriage equality. Protesters are angered by legislators' proposals to modify the national budget and even appoint a special prosecutor who could pursue charges against state attorneys that investigate them. But Representative Bolota Salazar's homophobic comments have brought the issue of marriage front and center, with President Laurentino Cortizo condemning the comments and affirming, "We are here to serve the country and that means not turning our backs on citizens."

The proposed constitutional reform follows a wave of regional progress on marriage equality. In 2018, the Inter-American Court of Human Rights issued an advisory opinion calling on states to take steps towards achieving marriage equality. Argentina, Brazil, Colombia, Ecuador, Uruguay, and many Mexican states already perform same-sex marriages, with Costa Rica slated to start doing so in 2020. Enshrining anti-LGBT discrimination in its constitution would put Panama out of step with its neighbors.

While Bolota Salazar has walked back his homophobic remarks, he and fellow Democratic Revolutionary Party (PRD) members say they have no intention of scrapping the discriminatory proposal. Pro-equality protesters and their allies plan to maintain pressure on the president ahead of his statement on the reforms on November 7. Further legislative debates are to take place in 2020, followed by a referendum on the reforms.

Though Bolota Salazar shut LGBT protesters out of the National Assembly last week, legislators will have a chance to reexamine their demands in the next legislative session and make some room for them in Panamanian society.

USA: Trans athletes are posting victories and shaking up sports

Transgender athletes at all levels of sport are winning medals, spurring a contentious debate over the future of gendered competition.

By Christie Aschwanden

WIRED (29.10.2019) - <https://bit.ly/34DQdWf> - Transgender athletes are having a moment. At all levels of sport, they're stepping onto the podium and into the headlines. New Zealand weightlifter Laurel Hubbard won two gold medals at the Pacific Games, and college senior CeCé Telfer became the US National Collegiate Athletic Association (NCAA) Division II national champion in the 400-meter run. Another senior, June Eastwood, has been instrumental to her cross-country team's success. At the high school level, Terry Miller won the girls' 200-meter dash at Connecticut's state open championship track meet.

These recent performances are inherently praiseworthy—shining examples of what humans can accomplish with training and effort. But as more transgender athletes rise to the top of their fields, some vocal opponents are also expressing outrage at what they see as transgender athletes ruining sports for cisgendered girls and women.

These issues have come to a head in Connecticut, where a conservative Christian group called Alliance Defending Freedom has filed a legal complaint on behalf of three high school athletes who are seeking to bar transgender girls from competing in the girls category. In Connecticut, as in more than a dozen other states, high school athletes are allowed to compete in the category that matches their gender identity. According to ADF legal counsel Christiana Holcomb, two transgender athletes—Miller and another runner, Andraya Yearwood—“have amassed 15 different state championship titles that were once held by nine different girls across the state.” The US Department of Education's office for civil rights is now investigating the group's complaint.

Nowhere are the debates around transgender rights as stark as they are in sports, where the temptation to draw a hard biological line has run up against the limits of what science can offer. The outcome, at least so far, is an inconsistent mix of rules that leaves almost nothing resolved.

In the NCAA, for example, transgender women can compete on women's teams after they've completed one year of testosterone suppression treatment. But the organization doesn't place limits on what a transgender athlete's testosterone levels can be. The International Olympic Committee has more granular rules: Transgender women can compete in the women's category as long as their blood testosterone levels have been maintained below 10 nano moles per liter for a minimum of 12 months. Cisgender men typically have testosterone levels of 7.7 to 29.4 nano moles per liter, while premenopausal cis women are generally 1.7 nmol/L or less. Meanwhile, the governing body of track and field just adopted a 5nmol/L limit.

So which approach is most fair? “Fair is a very subjective word,” says Joanna Harper, a transgender woman, distance runner, and researcher who served on the IOC committee that developed that organization's current rules. It boils down to whom you're trying to be fair to, Harper says. “To billions of typical women who cannot compete with men at high levels of sport?” Or “a very repressed minority in transgender people who only want to enjoy the same things that everybody else does, including participation in sports?”

Transgender women's performances generally decline as their testosterone does. But not every male advantage dissipates when testosterone drops. Some advantages, such as their

bigger bone structure, greater lung capacity, and larger heart size remain, says Alison Heather, a physiologist at the University of Otago in New Zealand. Testosterone also promotes muscle memory—an ability to regain muscle mass after a period of detraining—by increasing the number of nuclei in muscles, and these added nuclei don't go away. So transgender women have a heightened ability to build strength even after they transition, Heather says.

One way to address these issues, Heather and her colleagues wrote in an essay published in the *Journal of Medical Ethics*, would be to create a handicap system that uses an algorithm to account for physiological parameters such as testosterone, hemoglobin levels, height, and endurance capacity, as well as social factors like gender identity and socioeconomic status. "Such an algorithm would be analogous to the divisions in the Paralympics, and may also include paralympians," they write. Instead of two divisions, male and female, there would be multiple ones and "athletes would be placed into a division which best mitigates unfair physical and social parameters." The algorithm would need to be sport-specific, and Heather and her colleagues acknowledge that producing it would be a difficult task.

Another approach would be to create a third category for people who don't fit neatly into the male/female dichotomy (including intersex people, who are born with a mix of male and female traits). Although this might sound like a simple solution, Harper says that "As a transgender person myself, I don't want to compete in a third category, which many people would see as a freak category." It could also limit opportunities for transgender athletes if there are not enough of them to fill out a team or category.

For all the hand-wringing about transgender women ruining women's sport, so far there's little evidence of that happening. Although CeCé Telfer and June Eastwood garnered attention for their outstanding performances on women's collegiate running teams, they are hardly the only transgender athletes in the NCAA. Helen Carroll is a LGBTQ sports advocate who worked on the NCAA transgender handbook. Through her advocacy work, she has interacted extensively with transgender athletes and she estimates there are somewhere in the neighborhood of 150 to 200 transgender athletes currently competing in NCAA sports. Most of them "you don't hear a thing about," she says, because their participation hasn't caused controversy.

Sport can be a life-saver for transgender people, who are at high risk of suicide, Carroll says. "They've been fighting themselves and feeling like they were in the wrong body, and sport gives them a place to be happy about their body and what it can do."

Where to draw the line between inclusiveness for transgender athletes and fairness for cis ones is an ethical question that ultimately requires value judgements that can only be informed, not decided, by science. Even basic notions of a level playing field aren't easy to codify. Which means that at some point the question of who is a woman becomes a cultural inquiry: How athletically outstanding can a girl or woman be before we no longer see her as female?

USA: 'There is no protection': case of trans woman fired after coming out could make history

Aimee Stephens is at the center of the first supreme court case involving the civil rights of transgender people.

By Dominic Rushe

The Guardian (30.09.2019) - <https://bit.ly/2oSDnnd> - Growing up in a Southern Baptist family in Fayetteville, North Carolina in the 1960s the biggest problem in Aimee Stephens' household was the length of her hair.

"My dad thought it ought to be cut short. And he made the comment back then that only girls have long hair," said Stephens smiling. Decades later, after a long struggle that had led her to the brink of suicide, Stephens came out as trans. She wrote to her dad, enclosing photos of her now.

"He looked at the pictures and he said to one of my sisters: 'She makes a better-looking woman than she ever did a man'," said Stephens. "I think that was his realization that, after all those years we argued over hair, there was a reason."

Unfortunately for Stephens, others have not been so accepting. When Stephens came out at work she was fired from her job as a funeral director. Her boss, Thomas Rost, a devout Christian, refused to accept Stephens was a woman. Rost testified that he fired Stephens because she "was no longer to represent himself as a man" and "wanted to dress as a woman", according to court documents, and said her proposal violated the funeral home's dress code.

Now 58, Stephens, modest, quietly spoken but full of steely resolve, is at the center of the most important LGBTQ rights case to come before the US supreme court since it ruled in favor of marriage equality in 2015. After years of mixed decisions in lower courts the justices must decide whether or not sex is a defining factor when LGBTQ people are protected from discrimination at work by the Civil Rights Act, the landmark 1964 legislation that outlaws discrimination based on race, colour, religion, sex, or national origin.

Stephens' case is one of three discrimination cases involving LGBTQ individuals that the court will hear on 8 October and the first supreme court case involving the civil rights of transgender people.

It comes as the court has become increasingly rightwing and the Trump administration has rolled back hard-won protections for the LGBTQ community, and especially trans people. The verdict – not expected until next year – will affect queer and trans people's lives for generations.

'I couldn't keep being two people'

In the summer of 2013, Stephens was fired from her job at R G and G R Harris Funeral Homes, a family-owned funeral business near Detroit. She had been working there for six years, struggling with her identity.

Stephens said she knew she was different from the age of five, but she didn't have the words or examples in her life to explain it. Growing up there had been no internet, no famous trans people in the media to identify with and no one to talk to. "I knew enough to know that what I was feeling was not acceptable," said Stephens.

Suffering from depression and with a suppressed "inkling" she might be trans in 2010 Stephens sought out a therapist who gave her homework assignments, going out in public dressed as a woman, clothes shopping, eating in a restaurant.

First she told her wife, Donna. Donna's reaction was one of relief. "She'd seen the changes in me," Stephens said. "She was afraid that I may have been cheating on her. I said, 'Well, it's kinda true, but not the way you think,' I said, 'I'm that other woman.'"

The therapist wanted Stephens to notice other people's reactions around her. "Quite frankly, there really wasn't any reaction. Everything seemed normal."

The couple once went to a Chinese restaurant they had regularly frequented. "The owner asked Donna what had happened to your husband. She turned around and looked at me and said, that's now my wife. His jaw fell open, he couldn't believe the difference."

While most of her family were accepting, Stephens knew work would be different. Many of her co-workers knew already, but she worried about her boss. So much so that it drove her to the edge of despair. Tortured by the thought that she would have to spend the rest of her days living two lives, she considered suicide.

"I got to a point that I didn't see myself being able to go forward," said Stephens. "But I knew I couldn't go backwards either. And if I was going to be stuck in that situation, what was the point in going on? I couldn't keep being two people."

About 30% of trans female teens – who identify as female but have birth certificates that label them as male – have attempted suicide, according to the American Academy of Pediatrics. The rate for trans male teens – who identify as male but were certified female – is over 50%. Terrible statistics that Stephens is all too aware of. "Be careful what you decide in respect to hiding who you are," said Stephens. "Having been in the position of living two lives at once. It's hard, really hard, and sooner or later you're going to come to the point where you can't do it any more.

"I would have you choose life instead of ending it all. In the long run, you're just accomplishing what a lot of society wishes they could do: erase you from existence."

'This is much bigger than I thought'

It took Stephens months to write the letter she would eventually hand to Rost. The two had had a good working relationship up to that point with Stephens receiving praise and pay awards. "I was hoping for the best outcome but that didn't happen. So here we are," she said.

When Rost was handed the letter, he read it, put it in his pocket and left. Two weeks later he told Stephens it wasn't going to work. He offered her 21 days' severance and a deal that would sign away her right to take legal action. "I couldn't do that," said Stephens. "There was too much at stake."

Stephens' case is not unusual. Only 21 out of the 50 states in the US have specific civil rights protections for LGBTQ people. While it is now legal for same-sex couples to marry in any state, they can still be fired for coming out across much of the country.

"I've come to learn since then that there really is no protection for LGBTQ people," said Stephens. "That you can be fired from your job, you could be evicted from your housing. You can be denied medical care and that's when I started to realize that it is much bigger than what I thought."

For trans people, the situation is particularly dire. Nearly a third (29%) of transgender people live in poverty, compared with 12% in the US population, according to the National Center for Transgender Equality. The problem for trans and non-binary people of color is particularly acute, with black transgender people experiencing an unemployment rate of 26%, twice the rate of the overall transgender community and four times the rate of the general population.

Violence, too is a major problem. Last year 26 transgender people were killed in the US, the majority black transgender women. Discrimination against transgender people is “unfortunately all too common”, said Jay Kaplan, staff attorney for the American Civil Liberties Union of Michigan’s LGBT Project, which is fighting Stephens’ case.

The Trump administration has rolled back rights for LGBTQ people in general and trans people in particular since Donald Trump’s inauguration, shredding federal guidelines that instructed public schools how best to protect transgender students, moving to reinstate a ban on trans personnel in the military, allowing federal contractors to discriminate against LGBTQ people on religious grounds and to remove protections from discrimination for transgender people in healthcare and insurance coverage.

Lack of legal protections has unfairly affected the trans community for too long, said Kaplan. At its heart, he says, Stephens’ case is very simple and should offer more protection in future. Title VII of the Civil Rights Act prevents people from being discriminated against on the grounds of sex. And that definition should include sexual orientation and identity, he argues. “The definition of being transgender is someone who identifies differently from the sex assigned to them at birth. If the motivation for firing somebody is because they’re transgender, it’s motivated by sex. It’s sex discrimination. It’s right there,” he said.

The ramifications of the case could stretch far beyond the LGBTQ community. In 1989 the supreme court found Price Waterhouse guilty of sex discrimination when it denied a partnership to Ann Hopkins, a manager who was deemed too aggressive and “manly” in her behaviour and in need of a “course in charm school” according to one of her bosses. Kaplan worries that a ruling against Stephens could support discrimination against people of any gender who don’t conform to their employer’s stereotypes.

'Are these people even awake?'

Rost, Stephens’ former boss, is being championed by Alliance Defending Freedom (ADF), a conservative Christian group that has been at the center of legal disputes across the country representing school districts, parent groups and individuals in fights against policies that let transgender individuals use facilities based on their gender identity. It comes after a lower court found in Stephens’ favor.

ADF, the Trump administration and others argue that judgment represented overreach by the court. “Redefining sex discrimination will cause problems in employment law, reduce bodily-privacy protections for everyone, and erode equal opportunities for women and girls, among many other consequences,” ADF wrote in its legal brief.

In this case, as in others, ADF and its supporters are arguing that recognizing legal rights for trans women will make cis-gender women unsafe. Numerous studies have shown that trans-inclusive policies do not endanger cis people.

“In my own mind I have to wonder are these people even awake,” said Stephens. “Trans people have been around, Lord knows, for hundreds, thousands of years and we’ve interacted with them all the time and we haven’t had problems. So why are we dreaming up problems now that don’t exist?”

These issues, Kaplan said, are sideshows meant to distract. What the court has to decide is whether or not sex is a defining factor when LGBTQ people are protected from discrimination at work by the Civil Rights Act.

Kaplan is “cautiously optimistic” that if the court takes a conservative approach and looks at the text of the law, it will find Stephens “was fired for her sex. She was fired as a transgender woman because she didn’t comply with gender stereotypes.”

With the supreme court case approaching, Stephens’ case is gaining attention. At the Emmy Awards last week trans actress Laverne Cox hit the red carpet carrying a one-of-a-kind clutch with the LGBTQ rainbow and lettering on one side that read “Oct 8, Title VII, Supreme Court”.

Cox, along with actors Jesse Tyler Ferguson, Alan Cumming, Peppermint, Mishel Prada, producer and activist Zackary Drucker and others have promoted awareness of the case by reading Stephens’ letter to Rost in a video produced by the ACLU.

But so far the case has not gathered the same attention as 2015’s historic same-sex marriage case. That’s a shame, said Kaplan. “I recognize the fact that marriage is a much sexier issue,” said Kaplan. But as the law now stands you “can get married on the weekend, come back to your job and if they find out you got married, you can be fired.”

Stephens has paid a high price for not conforming to her boss’s stereotypes. She lost medical coverage when she lost her job, a harsh blow for someone who has been out of work for five years and is battling kidney disease. She and her wife don’t like the publicity, and it’s only likely to get more intense. If she knew today what coming out at work would trigger, would she do it again? “Definitely,” said Stephens.