

## Proposal for allowing trans individuals to use their names of choice while attending the Human Rights Council sessions

### Brief description of the problem:

The Yogyakarta principles define "gender identity" as "to refer to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms".

In the case of trans individuals, their gender identity does not correspond with the sex they were assigned at birth. They express their gender identity in the way they dress, talk, act and call themselves. For this latter purpose, they have chosen names that reflect their gender and it is with those names that they are known in their families, communities, workplaces, etc.

In some countries, the law does not allow them to change the names registered in their identity papers. Other countries only allow them to change their names after a surgical procedure changing the body function. Only in Spain and the United Kingdom is it possible for a trans person to change the name and gender in their identity papers without having to resort to any surgical procedure.

Countries demanding surgery in order to change a person's name/gender in his/her identity papers also require a psychiatric assessment of the individual. Trans organizations in different parts of the world have widely reported that very strict gender stereotypes are held by psychiatric assessors as the standard to be met in order to be considered eligible for surgery and new identity papers.

As a result of this situation, most trans people around the world and particularly in the Global South are denied the right to equal recognition before the law, on the basis of their gender identity and expression.

It is also important to realize that for most trans people, the name and sex they were assigned at birth are not a mere formality. They are the embodiment of the innumerable violations that, since their childhood, they have experienced at the hands of all those who tried to force them to be a name and a sex/gender that they were not. That name is linked to pain, humiliation, loneliness, shame and hatred. In order not to be forced to look at it, many trans people around the world (and particularly in the Global South) destroy their identity documents, what means that they are also deprived of other rights including the rights to vote, education, freedom of movement, work and health. When trans people are forced to own and use their identity papers, for instance when travelling abroad, the remarkable difference between their appearance and the name/sex mentioned in the passport makes them face harassment and violence at borders and airports, as trans organizations have also documented.

## **The situation at the Human Rights Council:**

Since 2001, trans activists from many different countries and NGOs have increasingly started to participate in the activities of the Council. For trans activists, the Council is a privilege space in the UN system where to voice their concerns and educate their governments and the human rights community about their issues. Trans activists are key members and leaders in many of the NGOs working with the Council, particularly those working on gender and sexual rights issues. However, in all cases, coming to the Council has mean for trans activists to be forced to walk around for days and weeks carrying a badge that brings them to that space of pain and abuse that was described above.

We are aware that wearing badges are a need to preserve the security of UN Buildings, and also that they are universal. However, they might be a minor inconvenience for some but for nobody they are as humiliating and painful as they are for trans people. So, taking into account the need for security measures and also for preserving trans people's right to identity, we would like to suggest the following procedure as a first attempt to overcome this problem:

1. The NGO that accredits a trans person to attend the Council's sessions will inform to the Secretariat in the accreditation letter that i.e. "Mr. X S", holding passport number xxxxx is a trans person whose name of choice is "Ms E P". A photocopy of the passport's first page, including the picture, will be enclosed.
2. "Ms E P" will go for her accreditation accompanied by the highest ranked possible person from the organization that is accrediting her. This person will personally go to the Secretariat office (while Ms E.P. waits outside the area where accreditation takes place) carrying a copy of the accreditation letter and Ms E.P.'s passport. The Secretariat will then write a letter stating that it has confirmed that the name E.P. corresponds to the same person that in passport number xxxx is called X.S and requesting to the security staff that a badge is extended under the name E.P. If deemed necessary, someone from the Secretariat office could come outside the building and meet Ms E.P. in person.