

Written evidence submitted by Mridul Wadhwa to the Transgender Equality Inquiry

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Introduction

I am a transsexual woman from India. I live and work in Edinburgh, Scotland. I work for Rape Crisis Scotland as a Training and Volunteer Co-ordinator and as the Information and Education Officer for Shakti Women's Aid. These are the two leading Scottish charities that support and campaign for survivors of sexual violence and domestic abuse in Scotland. Shakti works primarily work with BME and Migrant women experiencing domestic abuse.

I am also an associate of the College of Policing, England and Wales where I present on transgender and migrant women's issues on the Equality and Human Rights course and am a domestic abuse trainer on the college of policing's Domestic Abuse matters training program. I also co-wrote and co-facilitated the Scottish Government's training on forced marriage.

I have been involved in the violence against women sector in Scotland since 2005. I moved to Scotland from India in 2004. I transitioned in India in 2001.

I declare that the submission below is in a personal capacity. I am not representing the organisations that I work for. My views are informed by my experiences. I have consulted with the Scottish Transgender Alliance in making this submission and endorse all the issues and recommendations made by the Scottish Transgender Alliance.

Gender Based Violence, Violence against Women and Trans People

My submission on Gender Based Violence to the committee is informed by the work of the Scottish Transgender Alliance whom we have consulted with in writing this submission. It is informed by research carried out by the Scottish Transgender Alliance and LGBT youth in 2010 “ *Out of Sight , Out of Mind ? Transgender People's experiences of domestic abuse*” http://www.scottishtrans.org/wp-content/uploads/2013/03/trans_domestic_abuse.pdf

- As a paid worker in the violence against women sector, I recognise that trans people's particularly trans women's experiences of sexual violence and other forms of gender based violence are the cause and consequence of the gender inequalities in society. I am of the view that trans people including trans women, trans men, non binary, trans men, cross dressing people are just as likely to experience gender based violence as women and girls.

- As a transsexual women worker and activist in the Violence against women sector, I agree and endorse Scottish Transgender Alliance's view that addressing gender-based violence against women, girls and people with other marginalised gender identities and sex characteristics will not dilute violence against women work. Rather it will complement it and strengthen it by enabling more comprehensive analysis of gender-based violence, e.g. how wider gendered violence relates to gender stereotyping, transmisogyny, heteronormativity, and coercive medical and cultural enforcement of gender and sex characteristics 'norms'. Including trans people within gender-based violence work is fundamentally different from including cisgender men because, unlike cisgender men, trans people are specific targets of systemic gender-based violence which marginalises and oppresses them as a social group.
- I believe the gender reassignment General Occupation Provision in recruitment is discriminatory to transsexual people especially trans women. I genuinely believe that there is no space for it in the gender based violence sector and that it has no place in violence against women work. I was unaware of its existence until a few weeks ago. I have worked in the violence against women sector since 2005 and have never known for it to be used. I am disappointed to think that someone has the right to refuse work to me and others like me in my sector just because they think that I might not be a woman. When I started working in this sector, I was not out as a trans person, this was not out of fear of discrimination but more because I did not think it was necessary. However, as an out trans woman I have not experienced discrimination but that is because I am already in it. There is a strong possibility that other trans women like me would never be able to work in this sector. I must say though that none of the organisations I work for would ever consider using this part of the legislation and have very positive trans inclusive policies and encourage trans women to work and volunteer with them.

I request this enquiry to consider the following recommendations.

- In the absence of a clear national picture on the experiences of sexual violence and other forms of gender based violence by trans women and other trans individuals including trans men, it is my hope that all future gender based violence research, data collection, strategy developments recognise trans people's experiences of gender based violence including those of trans men, non-binary and intersex individuals.
- It is also my hope that all National, EU, United Nations and International submissions from the UK on gender based violence recognise and report on the experiences of Trans people.
- Similarly, any research, reporting or strategy on violence against women and girls at UK, EU and International level should consider trans people's experiences of violence against women especially trans women.

- Trans survivors of rape and other forms of sexual violence reporting to the police can experience additional trauma. This can be due to gender dysphoria about their genitals. There is also a general lack of awareness of trans inclusivity and sensitivity amongst police, forensic examiners and in the criminal justice system. I call for mandatory trans awareness training for those investigating sexual crimes within the police and the crown office. I would also extend this request to those investigating domestic abuse crimes.
- In Scotland, all fund recipients from the Scottish Government's Violence against women funds are expected to implement a trans inclusion policy as a requirement of the grant. I would welcome similar mandatory requirements of all public, private and third sector grant recipients and contractors receiving funding to carry out work with those affected by sexual violence and other forms of gender based violence.

Migration

- It is disappointing to me that this enquiry does not consider it significant to enquire on the discrimination faced by transgender migrants to the UK both from EU and outside of the EU. I migrated from India as a student and then an economic migrant. I was able to do so post transition and did not suffer significant life harming discrimination due to my trans status. This is only because of privileges that I had through my social background, a supportive family and my own resilience to challenge the structural and social barriers that exist for trans people in India. I have an Indian passport that says female, am married and am about to adopt a child in Scotland. These are the benefits of my own resilience and not because of the generous attitude of the Indian state to transsexual people.
- Social and Political discrimination against Trans people exists in all societies of the world.. I would also like to state that just because some countries like India, Pakistan and Iran have appropriate recognition within their state machinery of trans people, it does not mean that trans people are safe and free from persecution. I would request this committee to extend its enquiry into how the Home Office investigates and supports trans asylum seekers and refugees. Does it take into consideration the ongoing transphobia they experience within the asylum system and what is the trans awareness of staff who assess such claims?
- I would also like the committee to consider the impact on migration and transitioning. The lack of recognition of transition processes in other countries of the world. The disruption to access of hormones or planned surgeries when migrating from one country to the other. Below are some experiences and questions that I think the committee should consider

- a. **How will you address the issue of migration, where gender markers and birth name don't match how the trans person presents at border control?**
- b. **There are many challenges for trans people who transition in the UK but are nationals of another country especially where the home country does not recognise this transition and considers it illegal. The inability to get a gender recognition certificate sometimes even after two years presents its own problems.**
- c. **As a migrant subject to immigration control or even when free from immigration restrictions there is an added barrier in accessing trans specific health care in the current anti immigrant rhetoric.**
- d. **Marriage vetos in Scotland do not consider marriages overseas, would any change in the marriage veto under the Same Sex Marriage act in England and Wales include marriages that have taken place overseas?**
- e. **How does a trans person bring a spouse/partner from overseas into the UK when the country of origin does not recognise trans status, their passport does not reflect their current gender and they are subject to immigration control?**

All of the above are just some key questions that I believe should be asked to make this enquiry truly representative of all trans people's experiences.

In conclusion, I would like to thank the committee in looking at transgender equality and I do hope that you find that what I have said worthy of your time.

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