

Breaking Barriers: Unveiling Transgender A critical Study on Transgenderism and the Ever-forgotten Rights of Intersex

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ABSTRACT:

This article is an overview of transgender and intersex people. It emphasizes the significance of identifying them as separate groups and eliminating common misconceptions associated with their existence. Transgender individuals identify with a gender that does not align with their assigned sex at birth. Their experiences involve a deep sense of incongruence between their gender identity and their assigned sex. Intersex variations encompass a vast range of conditions in which individuals possess atypical reproductive anatomy, and this is something that happens by birth, whereas transgenderism doesn't have any biological basis. Understanding the homosexuality as an intrinsic aspect of an individual's identity and not a choice or a disorder, its impacts on our society, and several psychological and health issues associated with such a sex orientation. This study also enlightens the gender-affirming surgical procedures used by transgender people to transition into their desired gender that can lead to several serious complications. Transitioning into the opposite gender is forbidden in Islam and many other religions, and the majority of countries do not accept it. Thus, such communities have to face discrimination and stigma as a whole by the society, but it is actually the intersex people who are born this way, and they don't deserve to be ill-treated. But because of the transgender community, the intersex community is also deprived of their rights.

Keywords: *Transgender, intersex, homosexuality, gender affirming healthcare, Discrimination, Rights*

INTRODUCTION:

Transgender is a term used to designate a being whose gender identity, behavior and gender expression does not align with the sex assigned at birth. [1] Their gender identity is convicted (either male, female) such that the person usually feels anxious about his real gender and assumes himself to be one of the opposite genders. However, their reproductive anatomy fits either of the two genders, i.e., male or female, but psychologically, they consider them as the opposite ones. It is one of the terminologies associated with gender identity and expression. [1] Transgender fall under the category of LGBTQ (lesbian, gay, bisexual, transgender and queer). The point to ponder is how Transgender people became part of the LGBTQ community. The history is filled with signs of the existence of communities with sexual diversities, and hence their interactions labeled them into different categories. The LGBTQ rights movement, which was called the "gay rights moment" in the early 20th century, represented a variety of sexualities. Later

in that time, when the other predominant movements took place, all of them found their objectives to be common and interrelated; hence, they created the acronym LGBTQ. They can be straight, gay, bisexual, lesbian, queer, or any other sexuality, just like cis people as it is a gender description, whereas lesbian, gay, and bisexual are sexualities. [2] Transgender itself is an umbrella term they could be either transgender men, transgender women or non-binary. Despite being born with a male gender identity, a transgender woman possesses a feminine gender. A transgender man is called to be a female at birth but considers himself a male. However, some transgender people don't identify with one of the two genders exclusively. Their gender identity may reflect both female and male elements, for instance, or they may not feel like either gender. These people are said to be "non-binary". [3] Many people confuse intersex with transgender but they are not same. Intersex people don't fit in the typical definition of male or females because of their reproductive anatomy while

transgender reproductive anatomy fits either of the two genders, i.e., male or female.

Literature Review:

A large portion of the literature is devoted to developing precise terms and definitions for transgender and intersex identities. The exploration of transgenderism and intersex rights within academic literature reveals a complex tapestry of historical contexts, legal frameworks, societal attitudes, and lived experiences. "Breaking Barriers" seeks to contribute to this discourse by critically examining existing knowledge and shedding light on the often-neglected rights of intersex individuals. Research indicates that transgender individuals are more susceptible to mental and physical illnesses than the general population. Studies have shown that transgender people frequently experience particular difficulties, like increased incidence of mental health problems and discrimination. Transgenderism promotes homosexuality which leads to a number of problems. There has been a lot of work on homosexuality and problems associated to it. Many authors have reviewed research evidence on the prevalence of mental disorders in lesbians, gay men, and bisexuals (LGBs) and shows, using meta-analyses, that LGBs have a higher prevalence of mental disorders than heterosexuals. It is imperative to approach this research with sensitivity considering the broader social contexts that may contribute to these disparities.

A nationwide health research was done in the United States from July to September 2018, and it was the first national study of intersex adults in the United States. The survey was completed by 198 intersex adults over a three-month period. Over 43% of participants indicated fair/poor physical health, while 53% reported fair/poor mental health.

interACT—formerly known as Advocates for Informed Choice (AIC)—founded by attorney Anne Tamar-Mattis is an organization that is focused on the mission of ending harmful medical interventions on intersex children has published a paper with the title "Understanding intersex and Transgender Communities" in which the terminologies; transgenders and intersex that are often confused are clarified by giving proper definitions stating transgender is a person that is different from the one traditionally associated with the sex they were assigned at birth. However a person who is intersex is born with a variation in their sexual or reproductive anatomy such that their body does not fit typical definitions of male or female.

In Kenya, a study was done to investigate the many ways in which stigma against intersex people is maintained by examining their words and phrases in structured interviews collected from Kenyan

documentaries. This study demonstrates how intersex people endure stigma and discrimination as a result of misconceptions held by people in their immediate surroundings. As a result, intersex people have been forced to hide their condition, lowering their quality of life and preventing intersex people from fully integrating into society. Access to adequate education is one such systemic issue that the intersex population encounters. Because of stigma, most intersex people drop out before completing their secondary school education. This means that only few join institutes of higher study. This study is about people in Kenya, but there are many additional studies available for people in other countries that indicate how intersex persons endure discrimination in several areas of life, including fundamental necessities like as education, and how this discrimination reduces their quality of life.

Dan Christian Ghattas, an intersex activist, has stated in one of his studies that intersex faces prejudice and they are treated as a taboo. As reported in the Council of Europe's issue paper, for intersex children, the intersex people have been deprived of their rights as well as they go through several inhumane treatments and medical procedures which begin at birth and in childhood, and later hormonal treatments in adolescence and adulthood that may lead to lifelong physical and mental consequences (CoE 2015). These clinical intervention can cause bodily humiliation, great pain and traumatisation; thus, the report describes how medical diagnoses given to an intersex child become a reason to transform their body without their consent and provoke unnecessary suffering. Thus, the Council of Europe (CoE 2015) expressed disapproval of these corrective surgeries and stated the need for the legal prohibition of these practices.

Research in this field examines the social and cultural settings that influence transgender and intersex experiences. Numerous subjects are covered in research on transgender experiences, such as prejudice, mental health, social support, and access to healthcare. Transgender people may be more vulnerable to mental health problems than cisgender people, according to research. Transgender people had increased rates of sadness, anxiety, and suicidal ideation. These higher rates can be ascribed to a variety of issues, including societal stigma, discrimination, a lack of access to affirming healthcare, and the anxiety that comes with navigating gender identity.

It's worth noting that study in this field is ongoing, and there's still a lot to learn. Existing research, however, emphasises the need of providing support, access to affirming healthcare, and building accepting

environments for intersex people in order to differentiate them from transgender people.

Methodology:

We conducted a comprehensive search on Google Scholar and PubMed utilising key terms. The acquired findings were filtered using the study's eligibility criteria. The initial search yielded a large number of articles, which were then vetted at various levels to arrive at the final list of 16. The writers examined each study independently.

Furthermore, different documentaries on the lives of intersex and transgender people were analysed, intersex and transgender people's experiences were gathered utilising social media, and their interviews were studied. Data about intersex and transgender people's social lives, mental health, homosexuality and issues were taken from research papers after a thorough search on Google Scholar and PubMed. After considering all of these factors, the author's opinions are recorded with sound reasoning and consistency.

AIM OF THE STUDY:

The aim of this article is to understand the difference between transgender and intersex and what impact transgender have on society, and how intersex can have their rights without confusing them with transgender people.

Understanding Intersex:

When a person is born with biological characteristics that are concurrently regarded as male and female, this condition is known as intersex including hormonal pattern, chromosomal pattern, sexual anatomy and reproductive organs. [4] Intersex people are people who, in the words of the Office of the United Nations High Commissioner for Human Rights, "do not fit typical binary notions of male or female bodies," are born with one or more sex characteristics, such as chromosome patterns, gonads, or genitalia. [5] They are naturally this way, as opposed to transgender people who, being fully male or female, change their gender.

Transgender activism and Islamic teachings:

Pakistan was named the 'Islamic Republic of Pakistan, indicating that this country intends to govern according to Islamic teachings. Islam prohibits individuals from altering their identities, yet some activists are attempting to promote the acceptance and normalization of transgender individuals, under the pretext of intersexuality. [6] However, it should be noted that embracing transgender rights may potentially give rise to various social challenges.

Homosexuality:

Homosexuality is more a legal and moral concern than a medical concern. As transgender can change his identity according to his self-perceived identity, a biologically fit male can identify himself as a woman and marry a woman. Similarly, a biologically fit female can identify herself as a male according to her self-perceived identity and marry a man. As they are biologically fit technically they are marrying same gender which is considered as homosexuality. Homosexuality is road to a lot of problems including deadly diseases like HIV /AIDS, Syphilis having higher ratio in homosexuals other health hazards include Hepatitis Depression/Anxiety, HPV, gonorrhoea, and Chlamydia, tobacco use, alcohol abuse, cancers and eating disorders. [7]

Sexually Transmitted Diseases (STDs):

According to research by Dr. J. Satinover, gays lose 25 to 30 years of life expectancy.. Sexually transmitted infections, suicide, enteric infections and disease, along with above mentioned diseases and many other causes are mentioned. [7, 8] [9] Homosexuals especially gays have higher rate of sexually transmitted diseases as compared to other individuals which is a serious health hazard.

Cancer Discrepancy in Transgender:

Studying the cancer disparity in the LGBT Researchers from the California Health Interview Survey surveyed over 120,000 adults, including questions like whether they have ever been diagnosed with cancer and what they actually are (lesbian, gay, bisexual, or straight). The results revealed interesting patterns, which were later published in the Journal of Cancer.

Among the 71,000 women included in the study, around 7,300 had received a cancer diagnosis. However, the overall cancer rates didn't vary significantly among lesbian, bisexual, and straight women. Nevertheless, among women cancer survivors, lesbian and bisexual women were more likely to report fair or poor health compared to straight women. Among the 51,000 men surveyed, approximately 3,700 reported being diagnosed with cancer in adulthood. Only 5% of straight males acknowledged a history of cancer, compared to little more than 8% of gay men. This difference in cancer rates couldn't be explained by disparities in race, age, or income between gay and straight men. [10]

Mental Health:

According to a study conducted in New Zealand in 1999, it was discovered that young individuals identifying as gay, lesbian, or bisexual had a higher likelihood of experiencing suicidal behavior and thoughts, major depression, generalized anxiety disorder, conduct disorder, tobacco dependence, and multiple disorders

compared to their heterosexual counterparts within the study. [11] In 2001 a study on mental disorders in homosexual people revealed that Homosexual orientation is associated with a general elevation of risk for anxiety, mood, and substance use disorders and for suicidal thoughts and plans [12].

In a study conducted in 1999 called "Sexual Orientation and Suicidality," researchers examined adult men using a co-twin control design. The study revealed a significant correlation between same-sex sexual orientation and four indicators of suicidality, including thoughts about death, a desire to die, thoughts of suicide, and suicide attempts. Even after accounting for substance abuse and depressive symptoms, three out of the four measures (excluding "wanting to die") still showed higher rates among individuals attracted to the same sex compared to heterosexual individuals [13]

Domestic Violence:

Domestic abuse has been one of the common and serious issues in LGBT community. It has been observed that about 25% of these people suffer abusive and violent relationships and are threatened and mistreated by their partners or ex- partners which is nearly on same rate as that for heterosexual women. This problem is not less but underreported as the homo-gender couples are often reluctant and afraid of revealing their gender orientation. It has been observed that same-sex relationships experience higher rates of domestic violence. In 2004, the Gay and Lesbian Medical Association initiated the "LGBT Relationship Violence Project" with a \$50,000 grant from the Blue Shield of California Foundation. The project aimed to educate healthcare professionals about the elevated incidence of domestic violence within LGBT communities. Marianne Balin, the manager of the Blue Shield of California Foundation's anti-violence program, stated that the foundation recognized the lack of attention given to domestic violence in LGBT contexts. [14]

Unlike common mindset, violence is not only a problem among males. The existing literature rejects this notion, as evidenced by a study published in the Journal of Social Service Research in 1991. This survey included more than 1,100 lesbians, and it revealed that a significant majority, more than 50%, reported facing abuse from a female partner. The most occurring forms of abuse reported were verbal, emotional, and psychological, often accompanied by a combination of physical and psychological abuse in some cases. [15]

Islam and Homosexuality:

According to Islam performing homosexuality is not merely a sin but also a crime, there is no room for homosexuality in Islam. Quran dismisses the homosexuality, Quran refers to prophet Lut who

preached against homosexuality and the people who disobey him were destroyed. There are numerous verses of Quran and sayings of Prophet Muhammad which shows homosexuality is forbidden in Islam.

The Qur'an declares Islam to be the "religion of nature," and, like Judaism, makes sex a sacred act, with a prayer asking Allah to "grant me a righteous child" before the deed. By forbidding celibacy and approving polygamy, the Qur'an further supports heteronormative sexual behavior. According to Islamic texts, the aim of sex is procreation, hence homosexuality is viewed as a deviation of Allah's will that endangers the existence of Muslims. As a result, homosexuality and homosexuals are categorically prohibited in Islam.

Privacy of Individuals at Risk:

Those who are trying to legalize the access of trans people to private areas are actually neglecting the fact that a person who is biologically male but identifies himself as a female and dresses as female if given the identity of female in documents will have access to places specified for females only, e.g., female washrooms, female hostels, etc. and vice versa. A social issue that arises with allowing transgender people to access gender-restricted spaces raises concerns about the potential discomfort, safety, and privacy for others.

People argue that granting access based on gender identity might compromise the security and privacy of cisgender individuals, particularly in spaces where personal vulnerability or nudity is involved. Some also express concerns about the potential abuse of gender identity claims by individuals who may have malicious intentions. Malicious intentions include harassment, and recording videos and images with the purpose of sextortion.

Gender affirming surgeries and associated complications A number of gender affirming surgeries are carried out by trans and non-binary people in order to align their bodies with their sense of identity and to decrease dysphoria. [16] Gender dysphoria (GD), according to the *Diagnostic and Statistical Manual of Mental disorders (DSM 5)*, is defined as a "marked incongruence between their experienced or expressed gender and the one they were assigned at birth." It was previously termed "gender identity disorder." [17] Individuals who struggle with their gender expression and don't fit into the traditional male or female roles may face cultural stigma, causing various challenges in their relationships with family, friends, and society. This can lead to mental health issues such as depression, anxiety, low self-esteem, and an elevated risk of self-harm and suicide. Providing psychiatric support is crucial for these individuals, and treatment options like hormonal and surgical therapies should be considered based on their specific circumstances and needs. [18] A number of

feminizing and masculinizing surgical procedures are carried out with their associated complications. Feminizing procedures include bottom surgery , breast augmentation, facial feminization, tracheal shave , silicone free injection which can lead to complications including bleeding, infection , necrosis of vagina , clitoris , risk of UTIs. [19] Trans women with breast implants might be unable to breastfeed. Silicone injection can cause silicone pulmonary embolism and other organs damage that can evolve over time. [19] Masculinizing procedures include hysterectomy, phalloplasty , scrotoplasty , metoidioplasty , mastectomy etc. that can lead to complications like Urinary Tract stenosis, loss of erotic sensation, necrosis or rectal injury. [20]

Intersex the Ever Forgotten Rights:

Unfortunately, intersexes experience prejudice in a variety of spheres of life, including sports, school, the workplace, and the legal system. Furthermore, they occasionally do not have the right to life, which is infanticide. [21] Thanks to the efforts of intersex human rights advocates, knowledge of intersex persons and the knowledge about unique human rights violations they experience have increased recently. These include the dangers of coerced or forced medical treatment, harmful behaviors, and other types of discrimination based on physical characteristics. Harmful stereotypes, stigma, taboos, and pathologization (i.e., perceiving intersex people as inevitably ill or dysfunctional) are the main causes of human rights violations against intersex people. If their intersex status is discovered or if they are thought to defy gender and sex expectations, intersex people are frequently the targets of discrimination and abuse. Intersex individuals are exposed to discriminatory practices in a variety of contexts, including access to education, public services, and employment because anti-discrimination laws often do not forbid discrimination against intersex individuals. According to the research, intersex people may experience high rates of poverty, early school leaving, stigmatization, and discrimination. [22] Intersex people have to face a lot of economic, social, psychological and cultural challenges.

CONCLUSION:

The majority of current advocacy efforts often lump intersex and transgender individuals together or present their needs in opposition to one another. However, we have to understand that intersex, transgender, and same-sex attraction are distinct concepts. Unlike transgender, intersex is not a form of gender diversity because it is not about gender or transition. It is about bodies—about congenital physical differences in sex characteristics. Transgender individuals identify with a gender different from the one assigned to them at birth, while intersex

individuals have biological variations in sex characteristics.

Transitioning your gender is considered unethical and is forbidden in many religions like Islam and Christianity. Also, many countries' legislatures and policymakers do not make any laws to ensure their safety and to protect their rights, and if they do, they reluctantly fail to keep the check and balance.

Supporting transgender is supporting homosexuality, which brings out a number of challenges and problems due to the historical treatment and perception that occur in society. Homosexual people experience stigma and discrimination, and apart from that, they are responsible for transmitting a number of diseases, making our society prone to diseases like AIDS. Also, homosexuality causes a number of complications. Research has proven transgender people to be more depressed and anxious, and issues like cancer are also occurring at the higher rate than in heterosexual couples. Transgender is an umbrella term that comes under the category of LGBTQ, and so is intersex considered too, but intersex shouldn't be under this category as they are the ones born this way.

Likewise, the rights of all these LGBTQ people are considered collectively, and as many countries don't accept transgender people and don't make any interventions, the ones deserving, the intersex, are neglected and have to face discrimination and social rejection.

It is crucial to identify that transgender and intersex people are distinct groups with unique experiences and hard challenges.

They each have their own set of issues and concerns that need to be addressed. However, advocacy for the rights and recognition of intersex people is essential. Many organizations and activists work to raise awareness and fight for their rights, but due to a lack of awareness, people usually confuse transgender and intersex individuals, and thus ill treatment is seen with intersex too.

Intersex people's human rights have historically gotten insufficient attention because of cultural taboos, a lack of public awareness, stigmatization, a lack of transparency regarding professional practises, resistance to human rights principles in medical contexts, and misconceptions.. Intersex persons consequently continue to be essentially invisible.

It is therefore essential to take certain steps in order to grant intersex people rights. Avoid using intersex persons as props, such as when discussing the rights of other groups of people without taking into account intersex people rights or the objectives of the intersex movement.

Recognize the unique situations of intersex people as well as the true objectives of the intersex movement. We

think that organization focused on intersex issues need to be prioritized.

Furthermore the government should launch efforts to promote humanity through print and electronic media to protect the intersex community. The government must ensure that the police and parliamentarians carry out their duties impartially. Regional Maulvis should be asked to recognize intersex human rights, according to the government and religion. People who identify as intersex should be treated equally since they are human.

The family should have an intersex child as a regular child. Legal requirements must be established to stop all forms of discrimination. The government or local administration should prepare stipends and financial aid for struggling parents of intersex persons, as well as offer jobs to the impacted groups.

Free scientific resources and financial counseling should be made available to those who are born with sexual abnormalities so they can have fulfilling lives and stop being a financial burden on their families. If their families don't support them, the government ought to establish a division for registering infants who are intersex at the moment of birth. Humans should speak up for them and their rights in order to improve their life and they should not criticize them. Workshops on the issue of medical care for intersex patients should be conducted by the government. The construction of an accurate perception of intersex individuals in society is assisted by religious experts, the media, educators, and civil society.

The core causes of human rights violations against intersex individuals must be addressed by states. Only a small number of nations have implemented effective measures to uphold intersex people's rights and safeguard them from mistreatment to this point. There is a disconnection between legislation and policy on the one hand and the lived experiences of intersex persons on the other, even in nations that have made progress. States, national human rights organizations, United Nations and regional organizations, civil society, and other stakeholders must act quickly on this.

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