

A Q&A Guide to Transgender Rights

Prepared by It's Time, Illinois

Political Action and Public Advocacy for the Transgender Community



WHAT DOES IT'S TIME, ILLINOIS PROPOSE?

We are seeking legislation that would add gender identity and expression as protected categories under existing state and county anti-discrimination laws.

Q. What do we mean by “gender identity” and “gender expression”?

A. Simply put, “gender identity” is the gender of the person you know you are, have been, and always will be. It is your core identity. “Gender expression” is how you choose to present your identity to the world. Everybody has a gender identity. Most of the time, except for transgendered or gender variant people, identity and expression conform to biological sex.

Q. What does “transgendered” mean?

A. A “transgendered” person is someone whose gender identity or expression differs from conventional expectations of masculinity or femininity. Typically, their gender identity differs from their physical sex. Because of this, their gender expression conflicts with currently defined societal gender norms.

Q. Are all gender variant people considered to be transgendered?

A. No. Gender variance, like beauty, is in the eye of the beholder. A gender variant individual may be a transsexual or crossdresser; or a gay man or lesbian who is perceived as “too feminine” or “too masculine”; or a straight man or woman who someone thinks is a little bit too effeminate or aggressive. Any of these people may find themselves discriminated against because of their gender expression. After all, they’re all considered “gender outlaws” in the eyes of society.

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Q. How many gender variant people are there?

A. That’s difficult to answer. Transsexuals probably only account for a small fraction of a percent of the population. There are many more who express their gender only occasionally, such as crossdressers. It has been estimated that a few percent of the population are transgendered to some extent. But gender variant people, those whom others may perceive as straying outside of their gender role expectations, and subjected to discrimination because of it, could be much greater.

Q. How did transgendered people get that way?

A. Transgendered people are born this way and have no choice in who they are. This is not a lifestyle choice. It is determined by a physiological process that starts in the womb. Most transgendered children know that they are somehow different early in childhood, typically between the ages of 4 and 10, well before puberty ever sets in.

Q. Aren’t gender variant people covered under Illinois human rights laws?

A. At one time, Illinois was a leader in enacting such laws. Champaign and Urbana were among the earliest adopters of gender-inclusive human rights legislation in the 1970’s. It wasn’t until 20 years later that Evanston and DeKalb followed suit. But these jurisdictions account for less than 1% of the population of Illinois. In the other 99% of the state, it is legal to fire, evict, or deny service to anyone simply because the individual’s gender doesn’t meet expectations.

Q. What about laws protecting gays and lesbians?

A. First of all, there are a very few places in Illinois that have laws providing protection for gays and lesbians. In these laws, sexual orientation is defined as heterosexuality, homosexuality, or bisexuality. These terms refer to the gender of the person to whom the individual is attracted, not to one’s self identity. A discrimination case will be thrown out of court unless a transgendered person proves that discrimination was based on sexual orientation.

Q. How do laws protect transgender people?

A. All different ways. Evanston defined sexual orientation to include real or perceived gender identity. Champaign and Urbana defined sex as “male, female or transsexual.” But the best law is in DeKalb where gender includes an “identity, appearance or behavior” that may not be “traditionally associated with the person’s sex at birth.”

Except for DeKalb, Evanston, Champaign and Urbana, there is no protection from discrimination for transgendered persons living in Illinois.

Q. Just how are transgendered people discriminated against?

A. Like other marginalized minorities, transgendered persons face discrimination in employment, housing and public accommodations. They are also potential targets for hate crimes: verbal harassment, hate mail, harassing telephone calls and even acts of violence committed by the same persons who hate gays. It's Time, Illinois! has documented over one hundred cases of all these types of discrimination in reports that are available upon request.

Q. Are other gender variant people also discriminated against?

A. Individuals who do not identify as transgendered may also find themselves persecuted on the same basis. Over the past seven years, we documented numerous

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cases in which a gay or lesbian was singled out in an employment situation because they were perceived as “too feminine” or “too masculine.” The laws that were enacted to protect gay rights leave out protection for gender variant gay men and lesbians. This is the best argument for amending existing legislation to include a new definition of “sexual orientation” which encompasses both affection relationships and gender identity.

Q. Are legal protections necessary? Aren't these just special rights?

A. Gender stereotyping can affect any one of us, at any time. Transgender inclusion in human rights laws is not about protecting a special class, it is about guaranteeing that all individuals have the right to express their gender regardless of whether they are within the boundaries of traditionally ac-

Q. Are there other places in the United States with laws to protect gender variant people?

A. Currently there are 2 states, 6 counties, and 35 cities in the US that have laws or ordinances to protect individuals from discrimination based on their gender identity or expression. The two states are Minnesota and Rhode Island. The cities are as diverse as Santa Cruz, San Francisco, Portland, Seattle, Iowa City, Minneapolis, Toledo, Evanston, Pittsburgh, Cambridge, Atlanta, New Orleans, and Louisville. Some recent additions include Denver, Rochester NY and Allentown PA.

Q. Who supports laws to protect gender variant people?

A. The Chicago Commission on Human Relations passed a resolution calling for amending the Chicago Human Rights Ordinance to include such protection. Over 100 Members of Congress, including many from Illinois, have publicly stated their support for such laws. Organizations including the National Organization for Women (NOW), National Gay and Lesbian Task Force (NGLTF), Human Rights Campaign, Parents, Family and Friends of Lesbians and Gays (PFLAG), and Equality Illinois, as well as the Chicago Bar Association, support legislation to protect transgender people. And major corporations such as Lucent Technologies, American Airlines, Xerox and Apple, just to name a few, have all gone on record with policies to protect gender variant people in the workplace.

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