

## EVENT SYNOPSIS

### **In Transition: Gender [Identity], Law & Global Health Research Symposium**

To be posted on the website, under event details block and speakers list.

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**Friday, April 21, 2017**

*In Transition: Gender [Identity], Law & Global Health Research Symposium* took place on Friday April 21, 2017. The goal was to convene experts from a variety of disciplinary perspectives to highlight work currently being done that supports the health and rights of transgender people across the globe, with the particular aim of identifying research needs at the law and global health nexus. The Symposium was intended to move beyond traditional disciplinary boundaries to inform and stimulate thinking, and ultimately identify the best ways to move forward. Global and national experts from a variety of relevant disciplinary perspectives addressed the state of the field, ongoing work in their areas of expertise, and priorities and gaps in research. University of Southern California (USC) -based work was also highlighted, including commentary from faculty and students, and concluding remarks and discussion focused on implications for research, challenges moving forward, and directions for the future.

The first panel, focused on *State of the Field, Ongoing Work, Priorities & Gaps*, was designed to be a space for presentation and discussion across disciplines. The second panel was designed as a series of reflections based on conclusions drawn from the first panel and the discussion that followed, which focused on *Reflections & Implications for Research, Challenges, and Direction for the Future*.

The Symposium began with a brief orientation by moderator Sofia Gruskin on the work of the Law and Global Health Collaboration over the past year, which has focused on transgender issues at the intersection of law and global health. After a year of events and activity, the Symposium was designed as the capstone event to begin to answer the central question: what role can we as a University concerned with the health and rights of transgender people usefully play? As she noted, a critical substantive point from the organizers' perspective was that all involved are strong believers and proponents of "nothing for us without us." Consequently, a major focus of the Symposium was ensuring discussion as to what it is going to take for research to be driven in large part by the voices and priorities of people in the transgender community.

#### *Panel I: State of the Field, Ongoing Work, Priorities & Gaps*

Diana Feliz Oliva, the Transgender Health Program Manager at St. John's Well Child and Family Center, opened the first panel with a focus on "Discrimination and denial of care: addressing the unmet needs of transgender health." In conceptualizing her allergic reaction to anything called "research," she discussed oppression, exploitation, and tokenization as typical components of researchers' engagement with the transgender community.

Oliva spoke strongly and eloquently about health disparities in South Los Angeles and the severe lack of trans-specific medical care that had prompted the creation of the transgender health program at the St. John's Well Child and Family Health Center. The program was created by and for trans people, and has demonstrated the need for a patient-centered, holistic model of care that addresses not only physical medical needs, but also the social, mental and emotional needs of the populations it serves. Her approach is intersectionality and recognizing the diversity of peoples' experience: this is a tool for advocacy, policy development, analysis and research.

Oliva noted that those outside the transgender community who wish to work with the transgender community can be ALLIES: **A**cknowledge privilege. **L**isten. **L**earn. **I**nitiate positive change. **E**ducate others. **S**upport by getting involved. She closed by emphasizing that academia who are ALLIES can

invest in trans research, influence policy to adequately address trans identities, but most importantly, advocate when trans people are not at the table, including by repeatedly asking why a trans person is not at the table.

Stefan Baral, the director of the Key Populations Program at the Center for Public Health and Human Rights at Johns Hopkins Bloomberg School of Public Health, spoke next, discussing “Moving past gender binaries when assessing HIV risks and vulnerabilities across sub-Saharan Africa.” He noted himself to be an ally (ALLIE). Using HIV as an entry point, he discussed changes in how the research community has seen or engaged with transgender issues over the last 15 years. In particular he discussed how this research has led him to (1) challenging assumptions about HIV more broadly, and (2) differentiating the risks among trans women from cis MSM across Sub-Saharan Africa in terms of HIV risks and HIV burden.

He noted much of his work, going back to 2004, was initially focused on gay men. While burden among MSM is consistent, the people coming in the door have a diversity of gender expression and that range is generally not captured. For example, along with partners, he designed some work to include a two-step gender assessment and found that 25% of the people enrolled in an MSM study in Swaziland in 2010 actually identified as women.

They also did a meta-analysis across eight countries where they had collected data. Among other things, they saw a significant difference in experiences of stigma. Trans women were much more likely to be excluded from healthcare or to experience harmful remarks and had significantly increased odds of having experienced sexual violence, physical violence, and depression. These are preliminary data, but the pathway is clear: these are related to intersectional stigmas and related to ultimate health outcomes. Even after adjusting for stigma, age, depression and condomless sex, we still see significant risk of HIV acquisition and rights violations. Therefore, if you want to understand the dynamic of the person in front of you, do not assume. Whether for research or for programming: ask and ensure you are dealing with the reality of issues affecting each person living with HIV.

Baral noted the world in general is far more similar than different. Gender binaries do not apply any more in sub-Saharan Africa than they do anywhere else. And when you study HIV, it does not matter if you are in Swaziland or Sweden, there is not an equal distribution of risks in the population. Trans women in sub-Saharan Africa seem to be most burdened, and yet they get very little programming or relevant research.

Eszter Kismödi, a Visiting Fellow at the Yale Global Health Justice Partnership at the Yale Law School and Yale School of Public Health, was the third panelist, speaking to “Laws and policies governing transgender people’s health and human rights- why do they matter?” Her presentation focused on legal matters around transgender peoples’ human rights and was based on examples from a research assessment project she was involved with in nine countries in Asia supported by the United Nations Development Program (UNDP). It was a highly participatory project engaging local lawyers and trans communities—a rarity in the world.

She began by noting that at a basic level, laws and policies matter because they set the rules and context in which we all live our lives. The construction of the legal environment matters, in particular whether it is affirmative or violates human rights. She discussed the importance of law to support the rights of transgender people in every country, including healthcare law, education law, employment law, etc. Very often these laws are not adequately considered because the focus is on the existence, or lack thereof, of trans-specific laws, when in fact existing laws do also apply to trans people.

Additionally, Kismödi explained that context is critical for research that engages law. It is not sufficient to look at the law itself but one needs to know why a law is framed a certain way, why its interpreted in a

certain way, and how the trans community understands and engages with the law. Implementation was also critical, and inclusiveness—how inclusive a legal and policy environment is of all gender expressions and identities without creating privileges or excluding certain people—really matters.

With respect to research moving forward, Kismödi noted the lack of comprehensive legal research efforts, and the great disconnect between legal research on the one hand and public health and epidemiological research on the other. Research of a multidisciplinary nature that includes law is very much needed at the local, national and global level in all places. She suggested the need for more spaces like this symposium, more inclusion of trans communities in research design and operationalization, training at the university level about gender diversity and trans issues, and more awareness within the trans community as to why legal research and legal understanding matter.

Sari Reisner, Assistant Professor at Harvard's T. H. Chan School of Public Health and Associate Researcher at Boston Children's Hospital, was the final panelist on the first panel, and addressed "Transgender public health: a participatory population perspective." As a social and psychiatric epidemiologist, he is looking to understand the distribution of health and wellness within populations, and to ensure gender affirming public health research. Gender affirmation is one of the most critical determinants of transgender population health. It can be multidimensional, engaging the social (name or pronouns), psychological (how people feel), medical (hormone therapies and surgeries), and legal (ability to change ones gender marker and name). He described several cutting-edge research projects he is leading in various places.

Reisner described a paradigm shift that is still ongoing: moving from a place of pathologizing gender to recognizing its importance to every aspect of our lives, and therefore for research. He noted the limits of existing published research on trans health, in particular the fact that there is not much data, and what exists mostly focuses on the transfeminine side of the spectrum, mental health disparities, internalized stigma, and HIV. He closed by emphasizing the need for a participatory population perspective, working with communities, and really thinking about what the data means. He reminded the audience that when thinking about quantitative data, one needs to remember that behind every number is a lived experience. And finally, even with a commitment to participatory research one still needs to do work to ensure what is being done is truly participatory, and to document how this can best be done in ways that support the needs and rights of transgender populations.

A lively discussion followed the first panel, revolving largely around how participatory research can best be implemented in collaborations between academia and trans communities. With strong experience and input from the audience, several points were emphasized: the importance of questioning assumptions; the need to demonstrate the value of community members who choose to engage in research, including paying them for their time; the need to ensure safe spaces for any meetings or other venue where researchers call together people from the community; and ongoing communication with community participants—it is not ok to simply involve people in one part of the process and disappear.

#### *Panel II: Reflections & Implications for Research, Challenges, & Direction for the Future*

The second panel was tasked with generating discussion from diverse disciplinary perspectives on the conclusions of the first panel, and more generally on the possibilities for participatory multi-disciplinary research that could support the health and rights of transgender populations.

Avery Everhart, a PhD Candidate at the Dornsife College of Letters, Arts and Sciences at USC, was the first respondent. She commented initially on the importance of hearing from professional trans people in research spaces. Commenting on the state of research, she emphasized how removed from the communities they research most disciplines actually are, whether law, medicine, epidemiology etc., and

therefore that it's not just about inclusion, but recognizing and addressing how fields are set up (or not) to benefit trans people. She then noted many of the issues in doing research that will support the health and rights of trans people in countries around the globe, including what it means to translate "transgender" in different languages, and how to produce knowledge about trans people and export it globally in meaningful ways.

Cary Klemmer, a PhD Candidate at the Suzanne Dworak-Peck School of Social Work at USC, also highlighted the importance of research spaces that fully engage trans folks and the importance of all involved in this work to ensure this is the case every time, and questioning if it is not. He noted the common theme from earlier presentations about the scarcity of data that reflect the health, rights and lived experience of trans populations. As a social worker, he thinks a lot about evidence based practices and the importance of data in delivering this. The participatory population perspective being discussed in this symposium is certainly a step towards generating this sort of data but will need support from academic partners in many disciplines to result in the sort of paradigm shift that is ultimately needed to generate the sort of research that will truly improve health and rights outcomes for trans populations.

David Cruz, Professor at USC's Gould School of Law, agreeing with previous speakers, highlighted the need for attention to intersectional analysis in research. He noted legal scholarship has developed variations on this approach with different emphases. If we follow this view that rights are interconnected, that human rights are indivisible, that our struggles are similar and linked though not identical, then we can do great work both academically and at a programmatic level, such as is being done by Equality California. There is a decent body of law and social movements scholarship that can also be helpful to figuring out how to get this research right whether within the US or outside. This reminds us that all of this does engage the political, and as all politics are local, understanding local contexts is key. This is of relevance not only to research but also to activism and to coalition building among difference social movements. It is important to recognize that in some contexts, the connectivity of sexual orientation struggles and gender identity struggles will have payouts and in some it will not. All of this has to do with what we do with law as justice, and law's relationship to it. It is imperative that we listen to trans people and gender nonconforming people to understand all the ways the law actually causes inequities. Are there things in law that are not specific to trans people but nonetheless pose problems to trans people? We have to ask what can law do and what it cannot do. We have to think outside boxes, employ intersectionality, think about over-criminalization and racializing violence, and the real potential of the emergence of a broader based social justice movement. All of us can be part of this and can work towards more justice for people of all genders as part of our research and more generally. And finally, all that has been discussed suggests to Cruz as a legal scholar that there is a lot more that legal education could be doing not only in the classroom, but in training lawyers and judges.

Laura Ferguson, Associate Director of the Program on Global Health and Human Rights and Assistant Professor at USC's Keck School of Medicine, noted a consistent theme of participation running through the symposium, and wanted to raise the issues around ethics and safety for discussion. She could not agree more with the idea of participation from the beginning through to every stage of a research project, but wants to think about how to ensure this is done in responsible ways and in a range of environments. More work needs to be done on this, and on documenting good practices. She also noted the heterogeneity of trans communities in all parts of the world, and the need to be really cognizant of who talks for whom, including gradients of power and privilege not just between communities but also within communities. For her, a big question is how you use lived experience as a starting point, and go from there in to doing meaningful and methodologically sound research. She also discussed the implications of this approach for thinking about methods data, evidence, and attribution within different disciplines. And importantly, always remembering that the purpose of doing all of this is to effect positive change. So as researchers, once we get valid findings, what do we do with those? How do we engage our research in ways that can support positive change in social and political processes, and ultimately people's lives?

Finally, thinking about this as the end point may be helpful for how we think about research no matter what the discipline.

Michael Reich, Taro Takemi Professor of International Health Policy at Harvard's T. H. Chan School of Public Health, emphasized that although the area of trans health and rights was new for him, he saw it as a tremendous opportunity to learn and think in new ways. In particular, the title "In Transition" has been key for him in reflecting on how to frame research because, as a political scientist looking at health systems, the changing nature of all of this is critical even as social systems are sticky—they resist transitions. He raised several issues to be considered in moving forward a research agenda that engages political science. First is recognizing that every system is biased and resists transition. Bias built into a system is hard to change. Path dependency is a related but a key concept—policy decisions have feedback loops that make it hard to go back and change a policy once it is in place and implemented even if it is harmful. Second, to change bias even once it is recognized requires multiple strategies and changes. To make health systems more gender affirmative for example, you have to pay attention to multiple policy and programmatic levels including financing, payment, organization, regulation, and persuasion. Third, if you want to change social systems and health systems, ultimately you have to deal with politics, as evidence alone does not change bad policy whether at the local, state, national, regional, or international level. The real question is who is going to drive change, and how. This is not just an academic question or a legal question but a social and political one around changing the ways societies think about who deserves what kind of care and how.

A discussion followed the second panel. A particular focus of the conversation was on assumptions, and what happens when assumptions inherent to disciplinary perspectives are contradicted. Self-awareness and self-reflection were emphasized as critical to this work—particularly given the recognized importance of peoples' lived experience, and the fact that we do not all have the same lived experience. The evolving nature of these concepts requires humility and uncertainty even in discussions about how best to frame research across disciplinary perspectives. Another aspiration was towards the establishment of a truly global interdisciplinary research hub that challenges current structures with strong participation and partnership with trans communities. Finally, participants noted the need to take the findings from these multi-disciplinary discussions back to our own research circles.

### *Acknowledgements*

Finally, a sincere thank you. The Law and Global Health Collaboration Steering Committee is tremendously grateful for the time, effort, and contributions of our speakers, and those that attended the Symposium, and looks forward to further engagement on this important topic in the year ahead.

### *Potential Next Steps*

- ❖ This brief meeting report, including links to background materials and PowerPoint presentations.
- ❖ Preparation of a round table engaging speakers in a dialogue (750 words per person) for an academic journal.
- ❖ Video documentation of the symposium and related interviews.