

New York Daily News - <http://www.nydailynews.com>

Make gender a personal choice? Yes

BY MICHAEL SILVERMAN

Sunday, November 12th, 2006

Transgender New Yorkers - those living in a gender other than their birth gender, who by our estimates number in the tens of thousands - face a hostile world when they try to be who they are. Stigma and prejudice often lead to discrimination in employment, housing and public accommodations such as stores, restaurants and even public restrooms. Indeed, the transgender community is one of the most marginalized in this city. As a result, transgender New Yorkers experience high rates of unemployment and poverty, and are often unable to access health care and social services.

New York City's proposed rule change would start to fix some of these serious problems by allowing transgender people born in the city to change the gender on their birth certificates to match the gender in which they live - including when the individual has not had sex reassignment surgery.

The reality is, most transgender people can't afford surgery. For others, surgery would be harmful to their health, while still others choose not to undergo surgery for a variety of personal reasons. For a policy to benefit transgender people, it must recognize that the measure of a person's gender isn't surgery - but rather how that person lives and feels on a daily basis.

An amended birth certificate that indicates the gender in which a person lives in his or her daily life will help transgender people in ways large and small.

When they apply for jobs, they will no longer need to fear rejection because their ID doesn't match the way they look; it now will. When they enter office buildings, they will no longer have to explain to security guards why the gender on their ID doesn't match their appearance; it now will. When police officers stop them from using the bathroom that matches their gender presentation, they'll have identification that says they have the right to be there.

Of course it won't be a cure-all for the discrimination transgender New Yorkers face, but the proposed policy will help. And more than that, it will recognize transgender people's basic humanity and reaffirm New York City's place as a beacon of diversity, equality and acceptance.

Transgender people are not looking for special rights. They are simply trying to live as who they are, without fear of discrimination. The city's proposed birth certificate policy allows them to do just that, and it does New York City proud.

Silverman is executive director of the Transgender Legal Defense and Education Fund.