

Research Report on
Security Services in the Work with Trans People that
Would Lead to Sexual Harassment

Prepared by

Transgender Resource Center

Researcher: Kaspar Wan

Faculty of Health Sciences, Curtin University, Australia

Dr. Sam Winter (as consultant)

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Foreword

For transgender persons, they will undergo different changes in their body features and outward appearance at different stages of their gender transition period. Since different countries have diverse policies with respect to the gender identity of transgender persons, the gender characterization as shown on the gender column or the photos in their documents would often fail to reflect their gender identity, gender expression and/or their physical conditions. In other words, their appearance or outward gender characterization may fail to match their gender shown in their documents of identity (simplified as “documents”). Combined with a lack of awareness towards the transgender community in general and a lack of effective guidelines, security officers may run the risk of providing inappropriate treatment when performing their daily duties, which leads to occasions when transgender persons may feel being sexually harassed and disrespected verbally or behaviorally.

In September 2013, a Columbian transgender woman was searched and touched repeatedly (sensitive areas included) by a male officer from the Hong Kong Customs and Excise Department. She also heard some comments that made her uncomfortable or feeling insulted¹.

Although the Police Force and the Correctional Services Department have some relevant guidelines when dealing with transgender people at work, these guidelines are not comprehensive enough. In particular, the departments are far from understanding situations of transgender persons. It shows that not sufficient frontline staff have received relevant training, nor they recognize the significance of such training in performing their daily duties.

In this research, transgender persons of local and foreign origins were interviewed in relation to their unpleasant experiences with the three Hong Kong security departments (the Police Force, Immigration Department and Correctional Services Department (CSD)). It aims at identifying different types of misunderstanding and possible sexual harassment that will arise when relevant security personnel are performing their daily duties. The involved procedures may include: asking for identification, in transit, body searching, detention and imprisonment². The findings can be used as references for the general public so that existing guidelines will further be improved. We would like to express our gratitude to the Equal Opportunities Commission, through its "Funding Programme of Research Projects on Equal Opportunities 2013/14", has provided funding which is vital to the completion of this project.

¹ Apply Daily, (news article in Chinese), “Transgender PhD lost everything in Hong Kong”, 3rd November, 2013.

² Cross-Regional Alliance for Transgender Prisoners in Hong Kong, a letter “Don’t Cut My Hair” to the CSD.

Research Background

【Key Concepts】

According to the World Health Organization, transgender people are persons who identify themselves in a different gender rather than that assigned to them at birth. They may express their identity differently to that expected of the gender role assigned to them at birth.³ Some of the transgender people look forward to live under a different gender identity, including (but not necessarily) changing their gender identity physically, in appearance (or outward gender expression), and in documents of identity. Transgender people include: Transgender woman (Trans-woman, whose gender identity is female, but registered as male at birth) and transgender men (Trans-man, whose gender identity is male, but registered as female at birth).

Gender Reassignment Therapy

If transgender persons desire to change their physical features, they can choose to undergo Gender Reassignment Therapy, including partial or complete removal and/or reconstruction of all or part of their genitals through hormone therapy or surgery.

1. Hormonal therapy: It will make the transgender person experience the physical changes of the other gender at puberty
 - For transgender women: breast development, changes in fat-muscle distribution, making their bodies more feminine- shaped.
 - For transgender men: Voice gradually turning low, Adam's apple may appear visible, increased body hair, making their bodies more masculine-shaped.
2. Surgery
 - For transgender woman: i) breast implants (some transgender women may have sufficient breast development by using hormones without the need for surgery)
 - ii) excision of original genital and reconstruction of female genital organs
 - Transgender Men: i) chest reconstruction (mastectomy)
 - ii) removal of the uterus and ovaries
 - iii) construction of male genital organs

These treatments are by no means imply an absolute priority nor a must-do list, but are accepted or rejected on a piecemeal basis according to some factors such as the individual's

³ World Health Organization (2013), HIV, sexually transmitted infections and other health needs among transgender people in Asia and the Pacific: joint regional technical brief
http://www.wpro.who.int/hiv/documents/docs/HIV_STI_Other_Health_needs_among_transgender.pdf

acceptance or disgust towards particular organs, one's physical condition, risk assessment and side effects of each kind of treatment, as well as one's economic situation and the ease of obtaining such treatments in one's country of residence. It takes time for these physical changes to happen and for transgender people to adapt to their continuously changing bodies (often take years like what have happened in puberty). Their appearance may change at different stages of gender transition, which may lead to security officers to be suspicious about the inconsistency between the gender of the person before them and that as shown in documents, hence questioning the authenticity of his or her identity.

Gender Recognition

Different gender recognition policies are in place in various countries, which can be divided into the following categories:

- Completion of the specified genital reconstruction surgery in order to be eligible in changing the legal gender. For example: Hong Kong
- Simply by producing a medical certificate of passing a medical assessment without having to undergo any treatment (hormones or surgery included) in order to change one's legal gender. For example: United Kingdom
- Changing one's legal gender as an administrative procedure (no need of a medical certificate). For example: Argentina
- One cannot change one's legal gender even if all the treatments and surgeries have been carried out. For example: Thailand, Philippines

The above discussion has demonstrated that the gender as shown in documents often does not accurately reflect a transgender person's physical condition and/or one's outward appearance at the time. Therefore, when some existing guidelines of the security departments are using the gender as appeared on one's document as the basis for appropriate treatment, it may lead to sexual harassment and related complaints. For example: Allowing male officers to conduct body searches on a transgender woman, touching her breasts and other sensitive areas in the process; or incarcerating a transgender woman in a male-only cell which runs the risk of her being sexually harassed or assaulted by other male inmates. In addition, some countries will even issue a "third gender" identity registration. What judging criteria can security departments deploy to determine appropriate treatment? The above scenarios call for deliberate discernment. It is anticipated that this study would assist the relevant security departments to better understand the state of the transgender community, from which more appropriate policies and guidelines can be formulated.

Research Methods

This study is a qualitative research in the form of in-depth interviews, of which a total of 17 transgender women and transgender men of local and foreign origins and with relevant experiences were interviewed.

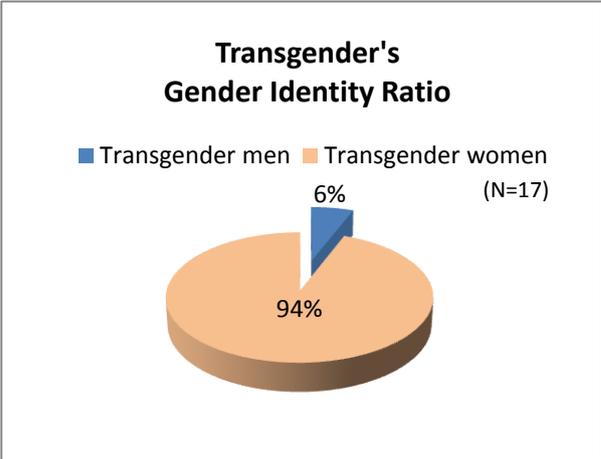
This study has designed a questionnaire as guidelines for our interviews, which also helps explore the feasibility of some proposed improvements. The questionnaire is based on relevant guidelines^{4,5} issued and research^{6,7} undertaken by foreign countries, as well as the experiences and opinion of some local transgender people and organizations⁸ concerned with the rights of the transgender persons.

Profile of Respondents

(1) Respondents by Gender Identity (N=17)

Gender Identity	Number	Percentage
Transgender women	16	94%
Transgender men	1	6%

In the process of recruiting respondents, a majority of transgender men claimed they did not have relevant experience, and thus in the end the majority of respondents were transgender women (94%).



⁴ National Policing Improvement Agency on behalf of the Association of Chief Police Officers, & United Kingdom. (2012). Guidance on the Safer Detention and Handling of Persons in Police Custody, Second Edition.

⁵ Ministry of Justice, & United Kingdom, (2011). The Care and Management of Transsexual Prisoners.

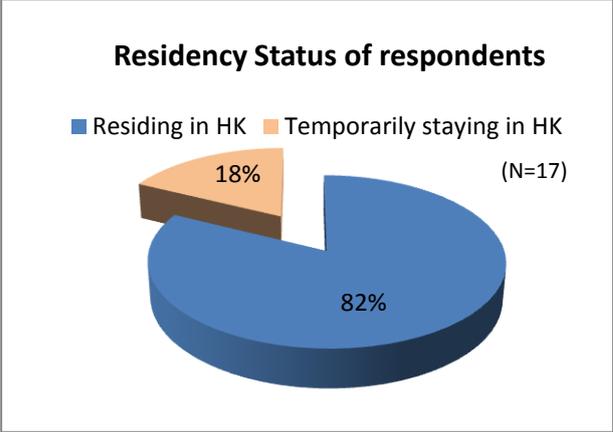
⁶ Glezer, A., McNeil, D. E., & Binder, R. L. (2013). Transgendered and Incarcerated: A Review of the Literature, Current Policies and Laws, and Ethics. *Journal of the American Academy of Psychiatry and the Law Online*, 41(4), 551-559.

⁷ Scottish Prison Service, & Scotland, 2009, Scottish Prison Service Gender Equality Scheme Annual Report 2009.

⁸ Midnight Blue

(2) Respondents by their Hong Kong Residency Status (N=17)

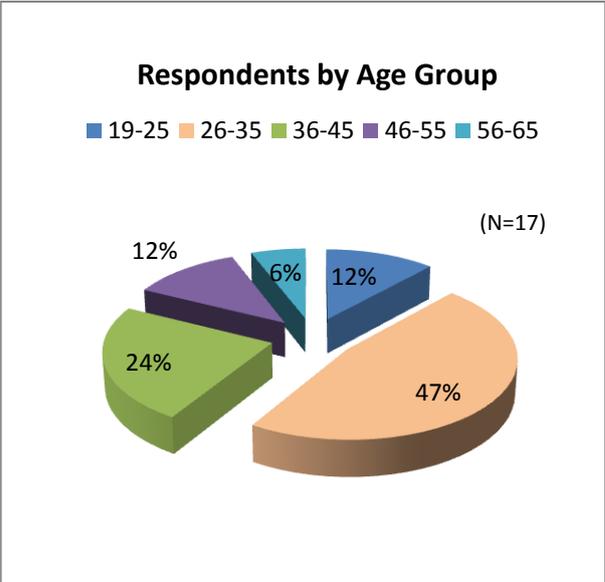
Residency Status	Number	Percentage
HKID Holders and residing in Hong Kong	14	82%
Holder of foreign passports when entering Hong Kong	3	18%



Survey results showed that 82% of respondents were holders of Hong Kong Identity Card and residing Hong Kong, and only 18% were foreign passport holders entering into Hong Kong.

(3) Respondents by Age Group (N=17)

Age Group	Number	Percentage
19-25	2	12%
26-35	8	47%
36-45	4	24%
46-55	2	12%
56-65	1	6%



Almost half (47%) of the respondents were between 26-35 years old, followed by 36-45 (24%). The rest were 19-25 (12%), 46-55 (12%) and 56-65 (6%).

Limitations of the Study

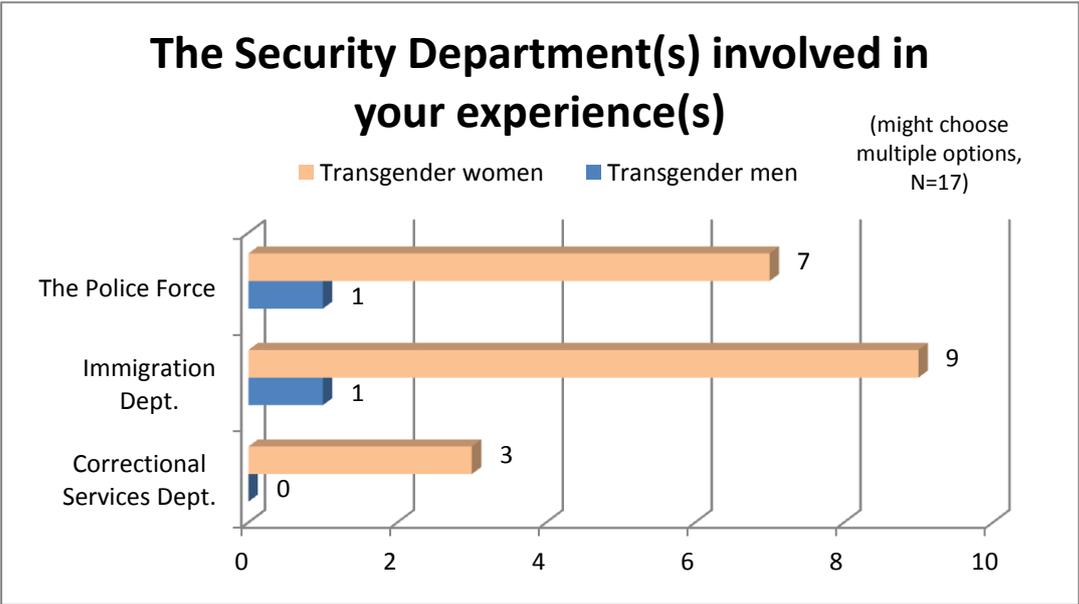
This study employed qualitative in-depth interviews with 17 transgender persons, who stated their experiences of sexual harassment at the security departments. For these interview records, although the researcher has not undertaken any investigation in order to collect evidences to support the alleged complaints of sexual harassment, the relevant information appears to match with what transgender community have understood or experienced so far.

It is expected that systemic collation of relevant experiences and data has been undertaken. However, some transgender persons were not willing to be interviewed due to the issue of personal privacy, while some other left Hong Kong and could not be contacted for the study.

Results

The Security Department(s) involved in your experience(s)
 (Might choose more than one option) (N=17)

Department	Frequency	Percentage (out of the number of interviewees) (N=17)
The Police Force	8	47%
Immigration Department	10	59%
Correctional Services Department	3	18%



Some respondents had more than one relevant encounter. Due to the fact that their situations and experiences vary when dealing with different security departments, the following data were grouped based on departments for analysis.

1 Cases related to the Police Force

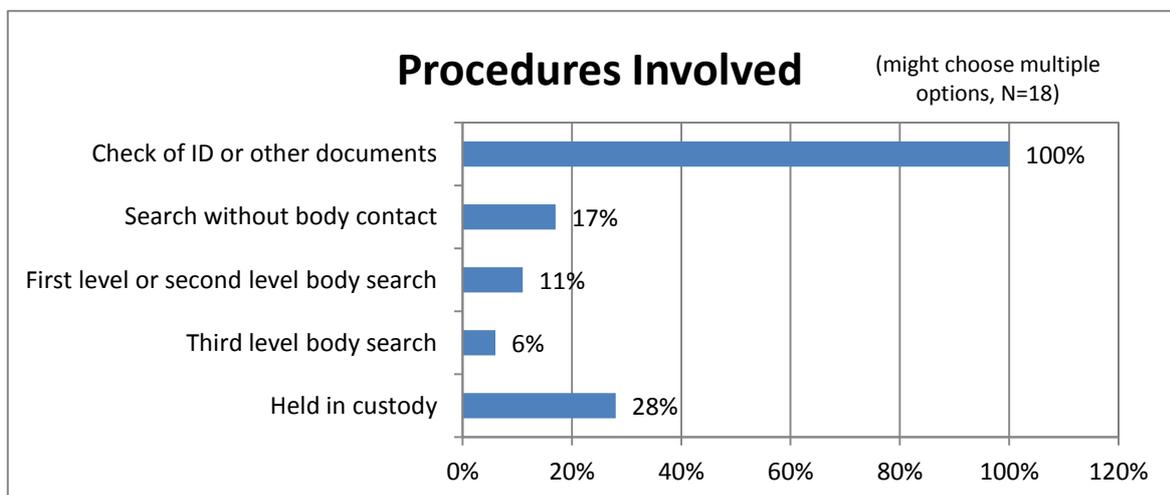
(This study has interviewed 17 transgender persons, of whom 8 respondents (47%) had relevant experiences with the Police Force. Some of them had multiple encounters and therefore there were 18 cases.)

1.1 Procedures involved (some cases might involve multiple procedures) (N=18)

Procedure	Frequency	Percentage
Check of ID or other documents	18	100%
Search without body contact	3	17%
First level or second level body search *	2	11%
Third level body search *	1	6%
Held in custody	5	28%

* According to relevant internal guidelines issued by the Police Force:

- First-level body searches do not require removal of clothing;
- Second-level body searches require the removal of clothing except underwear; and
- Third-level body searches require the removal of underwear.

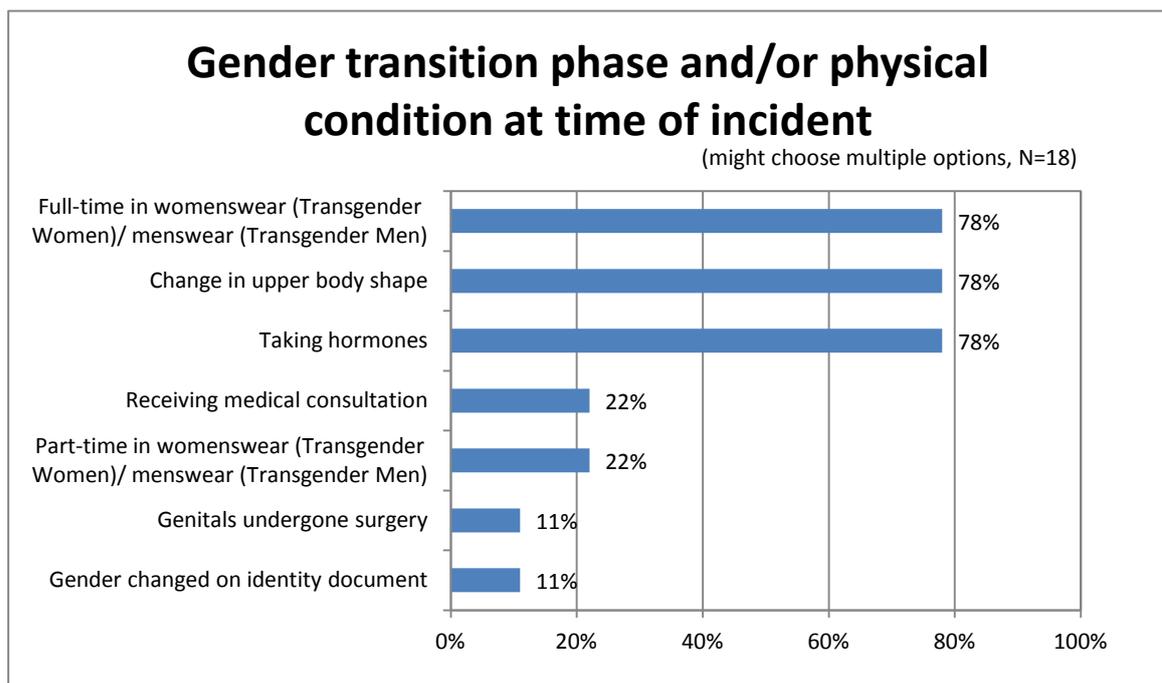


**1.2 Gender transition phase and/or physical condition at time of incident
(might choose more than one option)^{(1), (2)} (N=18)**

	Frequency	Percentage
Full-time in womenswear (Transgender Women)/ menswear (Transgender Men)	14	78%
Changed in upper body shape (whether obvious or not) (with hormones and / or surgery)	14	78%
Taking Hormones	14	78%
Receiving medical consultation	4	22%
Part-time in womenswear (Transgender Women)/ menswear(Transgender Men) ⁽³⁾ / in gender-neutral clothing	4	22%
Genitals undergone surgery	2	11%
Gender changed on identity document	2	11%

Notes :

- (1) The above conditions can happen separately or simultaneously on a transgender person, for example, a transgender women may only dress as women full time, yet has not taken hormones or undergone any surgery; or she may dress as women full time, taking hormones, and her body shape has changed, but has not undergone any surgery, and has never seen a doctor.
- (2) Situations where the clothing of a transgender person matches with that of one’s gender identity when in contact with relevant security departments. That is, a transgender woman dresses like/ looks feminine, whereas a transgender man dresses like/ looks masculine.
- (3) “Part-time in womenswear or menswear” refers to those that can only live under their own gender identity in some occasions. They have to conform to living in the gender at birth with regard to work, family or in the process of self-exploration or adjustment.

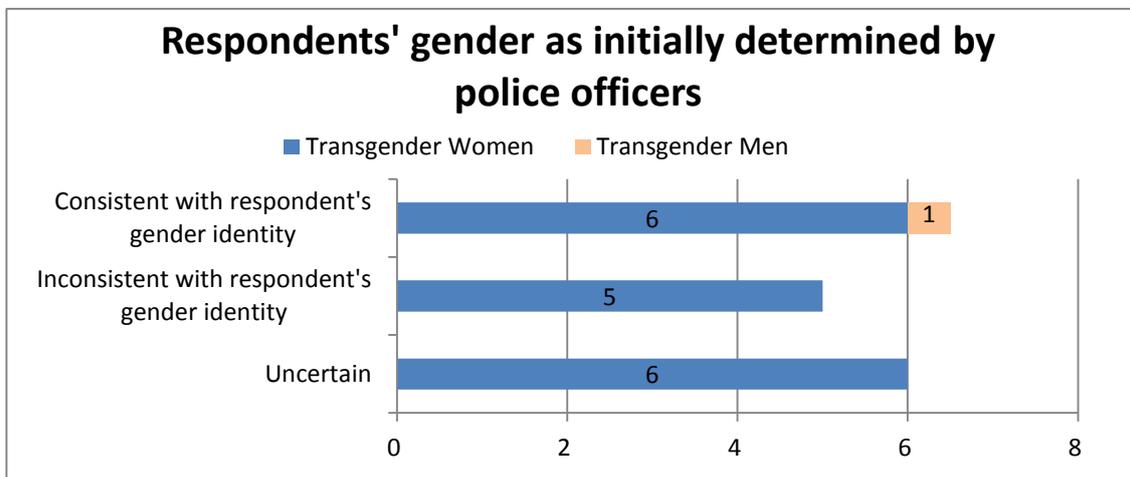


1.3 Respondents' gender as initially determined by police officers (N=18)

	Transgender Women (Frequency/ Percentage) (n=17)	Transgender Men (Frequency/ Percentage) (n=1)	Subtotal (Frequency/ Percentage)
Consistent with respondent's gender identity *	6 (35%)	1 (100%)	7 (39%)
Inconsistent with respondent's gender identity **	5 (29%)	0 (0%)	5 (28%)
Uncertain/ Transgender	6 (35%)	0 (0%)	6 (33%)

Notes: * Regarding transgender women as females, transgender men as males.

** In some cases, their transgender identity was misunderstood as intended imitating the other gender in an attempt for certain crime, and therefore the police officers concerned perceived them of a different gender than their gender identity at the time of contact.

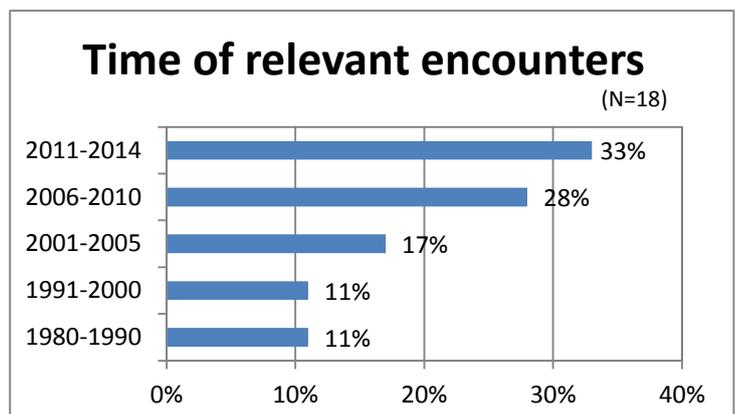


1.4 Gender of police officers at initial contact with respondents (N=18)

	Frequency	Percentage
Female	0	0%
Male	18	100%

1.5 Time when such encounters occurred (N=18)

	Frequency	Percentage
1980-1990	2	11%
1991-2000	2	11%
2001-2005	3	17%
2006-2010	5	28%
2011-2014	6	33%



**1.6 Types of sexual harassment or disrespectful treatment encountered
(Might choose more than one option) (N=18)**

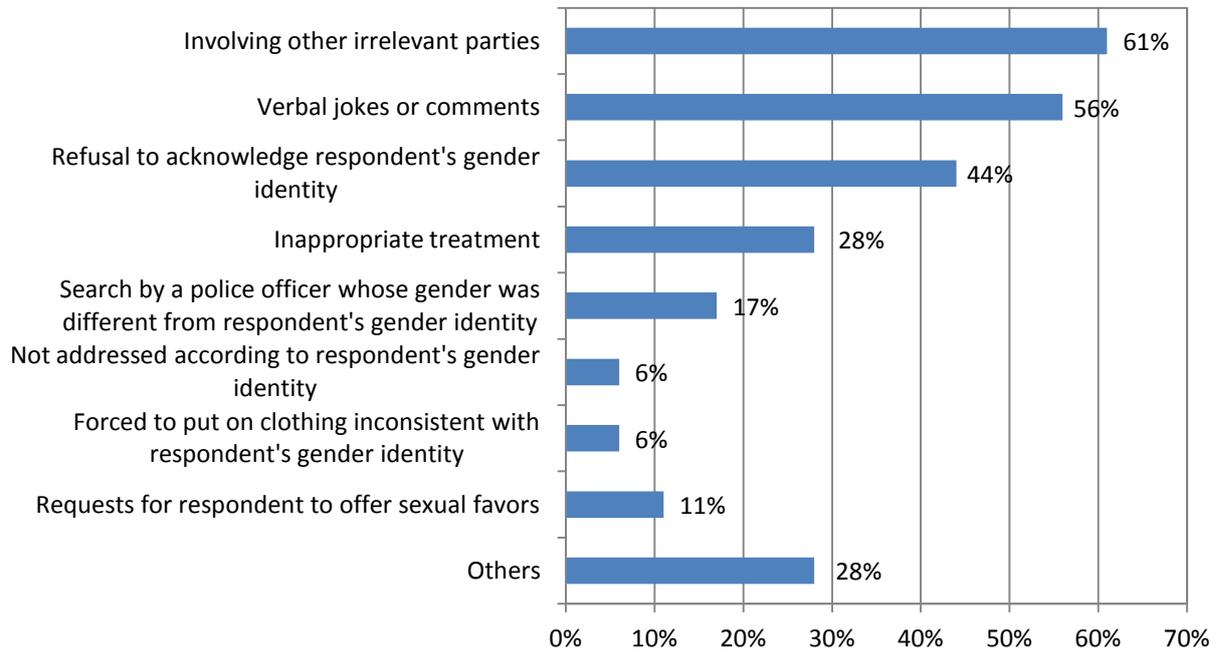
The police officers concerned might not acknowledge a transgender woman as female and treated her as such, but did not treat her as male either; for transgender men, they might be treated and handled by the police officers as neither male nor female.

Types of sexual harassment or disrespectful treatment	Frequency	Percentage
Involving others (made known the transgender identity of the respondents to other irrelevant parties)	11	61%
Verbal jokes or comments on respondent's gender identity, appearance or body shape	10	56%
Refusal to acknowledge respondent's gender identity	8	44%
Inappropriate treatment — not treated in accordance with respondent's gender identity / forced to accept treatment of the other gender	5	28%
Body search by a police officer whose gender was different from respondent's gender identity ^a	3	17%
Not addressed according to respondent's gender identity ^b	1	6%
Forced to put on clothing inconsistent with respondent's gender identity ^c	1	6%
Requests for respondent to offer sexual favors	2*	11%
Others (For example, viewed with lewdness or contempt by police officers, or photo-taking on tattoos on certain body parts)	5	28%

- Notes: ^a Transgender women body search was conducted by male police officers, while transgender men body search was conducted by female police officers.
- ^b Transgender women were called "Sir", while transgender men were called "Miss/ Ms".
- ^c Transgender women were forced to wear menswear, while transgender men were forced to wear womenswear.
- * One of the cases happened in early 1990s. A police officer stopped the respondent and a few other accompanying transgender women, and asked them for oral sex after knowing their transgender identity. One of the transgender women did what he said. The other case happened when the police officer tried to arrest illegal sex workers in an undercover action. He revealed his police identity only after taking the sexual service.

Types of sexual harassment or disrespectful treatment

(might choose multiple options, N=18)

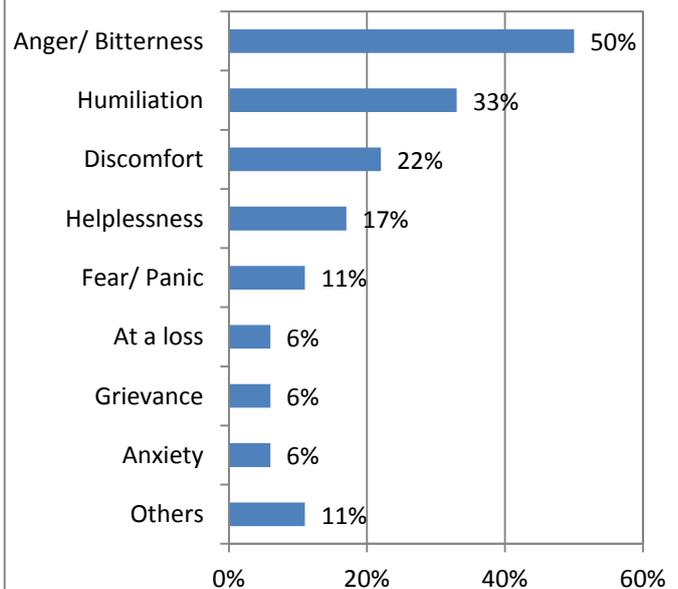


1.7 Personal feelings when subjected to aforementioned treatment (Might choose more than one option) (N=18)

	Frequency	Percentage
Anger/ Bitterness	9	50%
Humiliation	6	33%
Discomfort	4	22%
Helplessness	3	17%
Fear/Panic	2	11%
At a loss	1	6%
Grievance	1	6%
Anxiety	1	6%
Others	2	11%

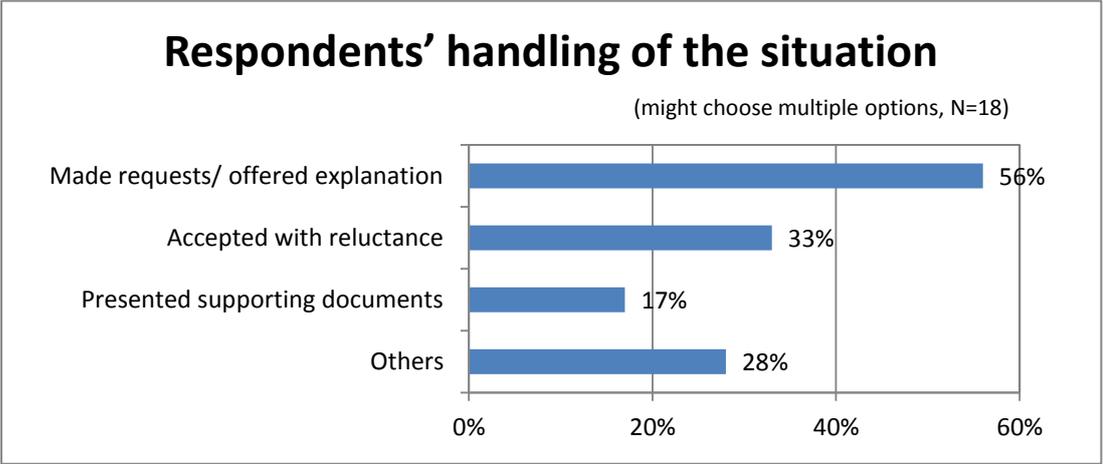
Personal feelings when subjected to aforementioned treatment

(might choose multiple options, N=18)



1.8 Respondents' handling of the situation
(Might choose more than one option) (N=18)

	Frequency	Percentage
Made requests/offered explanation	10	56%
Accepted with reluctance	6	33%
Presented supporting documents	3	17%
Others	5	28%



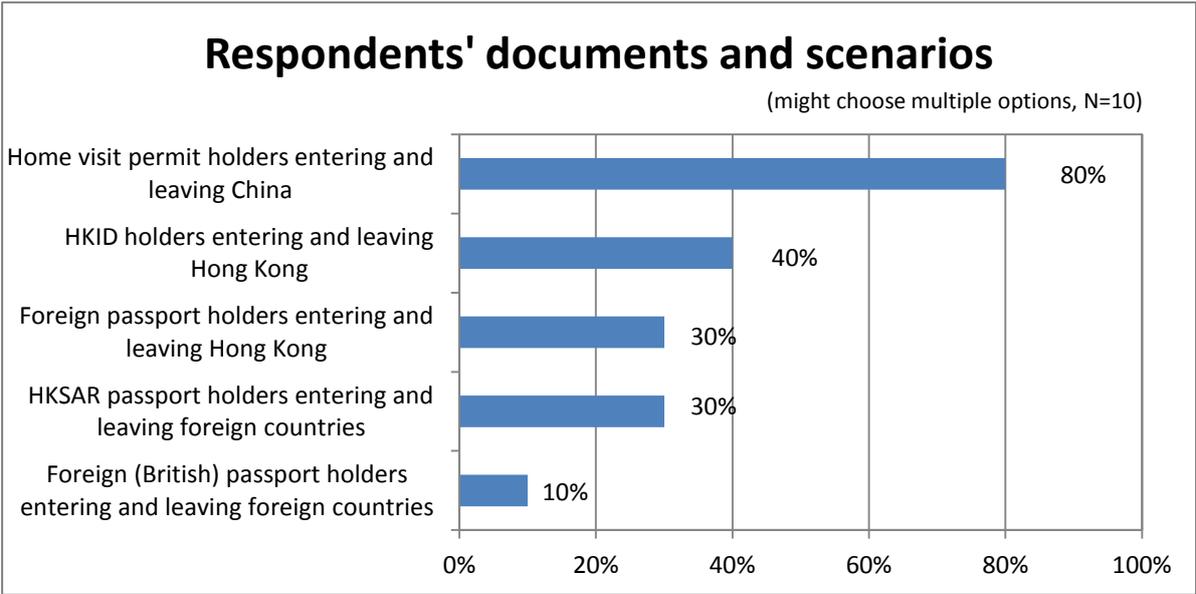
2 Cases related to the Immigration Department

(10 respondents in this study had relevant experiences with the Immigration Department. Some of them had multiple encounters and therefore there were 19 cases. They included foreign transgender persons entering and leaving Hong Kong, and Hong Kong transgender persons entering and leaving Hong Kong and foreign countries.)

2.1 Document(s) held by respondents (Might choose more than one option) (N=10)

Respondents held different combination of Hong Kong and foreign documents, and some of them had multiple relevant encounters at Immigration Department in Hong Kong or abroad.

	Frequency	Percentage
Home visit permit holders entering and leaving China	8	80%
HKID holders entering and leaving Hong Kong	4	40%
Foreign passport holders entering and leaving Hong Kong	3	30%
HKSAR passport holders entering and leaving foreign countries	3	30%
Foreign (British) passport holders entering and leaving foreign countries (While being a HKID holder with permanent residency)	1	10%

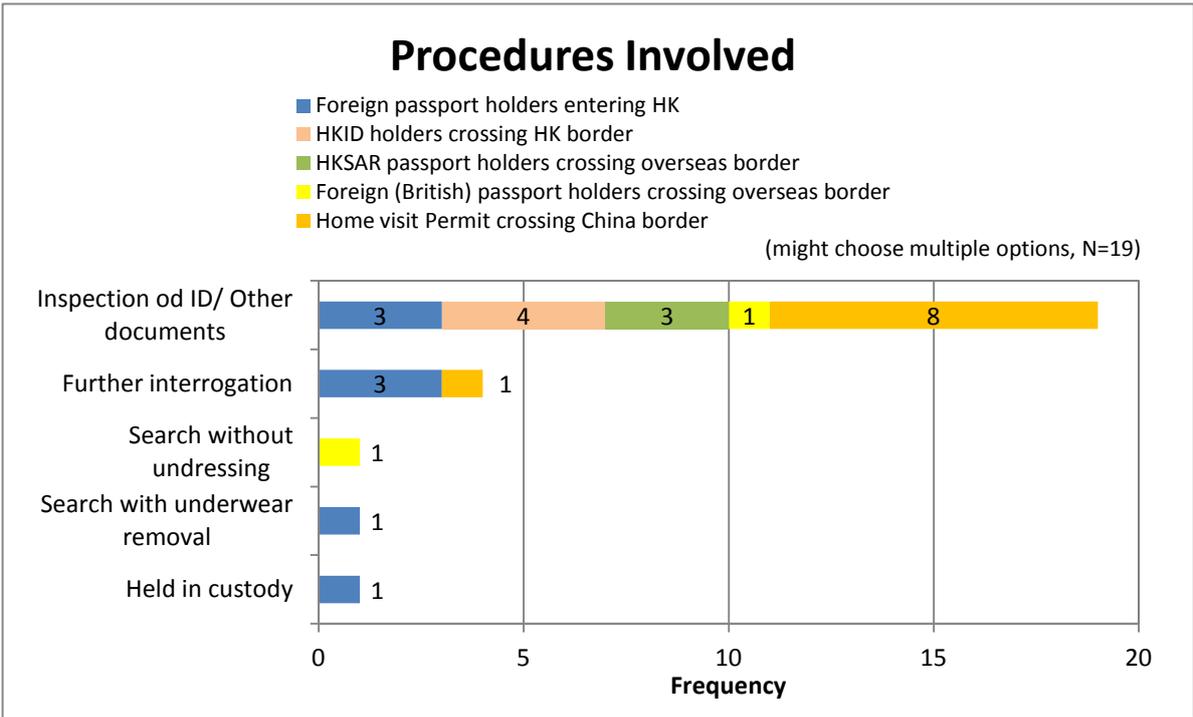


In summary, the survey findings showed that 7 out of 10 transgender respondents had been subjected to sexual harassment or disrespectful treatment from the Hong Kong Immigration Department, regardless of being holders of HKID or foreign passports, or entry/ exit points such as airports or land border crossings.

Among the 10 transgender persons interviewed, 4 respondents were subjected to sexual harassment or disrespectful treatment when entering or leaving foreign countries. They were all permanent residents of Hong Kong and holders of HKSAR or foreign (British) passports. In addition, of these 10 transgender respondents, 8 respondents (Home Visit Permit holders) had been subjected to sexual harassment or disrespectful treatment when entering or leaving China.

2.2 Procedures involved (some cases might involve multiple procedures) (N=19)

Procedures involved	Entering and leaving Hong Kong		Entering and leaving foreign countries		Entering and leaving China by Home Visit Permit	Number of Cases (Percentage)
	Foreign passport holders	HKID Holders	HKSAR passport holders	Foreign (British) passport holders		
Inspection of ID/ Other documents	3	4	3	1	8	19 (100%)
Further interrogation (in a room)	3	0	0	0	1	4 (21%)
Search without undressing	0	0	0	1	0	1 (5%)
Search with underwear removal	1	0	0	0	0	1 (5%)
Held in Custody	1	0	0	0	0	1 (5%)

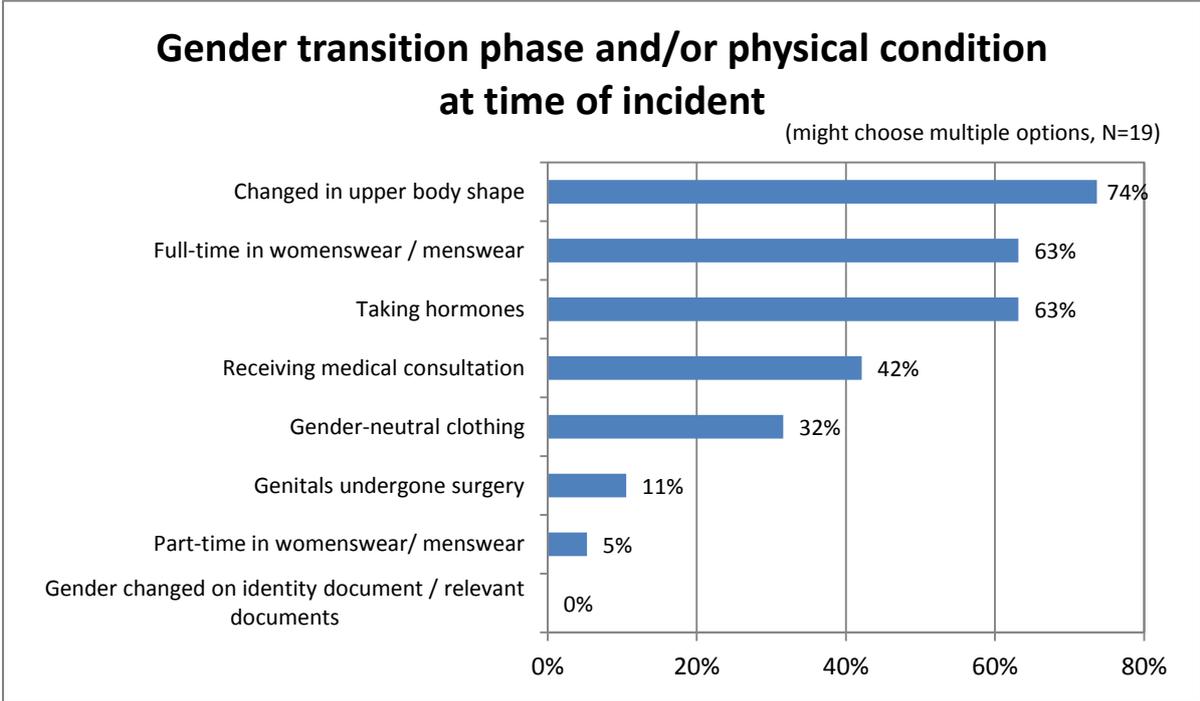


2.3 Gender transition phase and/or physical condition at time of incident
(Might choose more than one option) ^{(1),(2)} (N=19)

	Frequency	Percentage
Changed in upper body shape (whether obvious or not) (with hormones and / or surgery)	14	74%
Full-time in womenswear (Transgender Women)/ menswear(Transgender Men)	12	63%
Taking Hormones	12	63%
Receiving medical consultation	8	42%
Gender-neutral clothing	6	32%
Genitals undergone surgery	2	11%
Part-time in womenswear (Transgender Women)/ menswear (Transgender Men) ⁽³⁾	1	5%
Gender changed on identity document and related documents	0	0%

Notes:

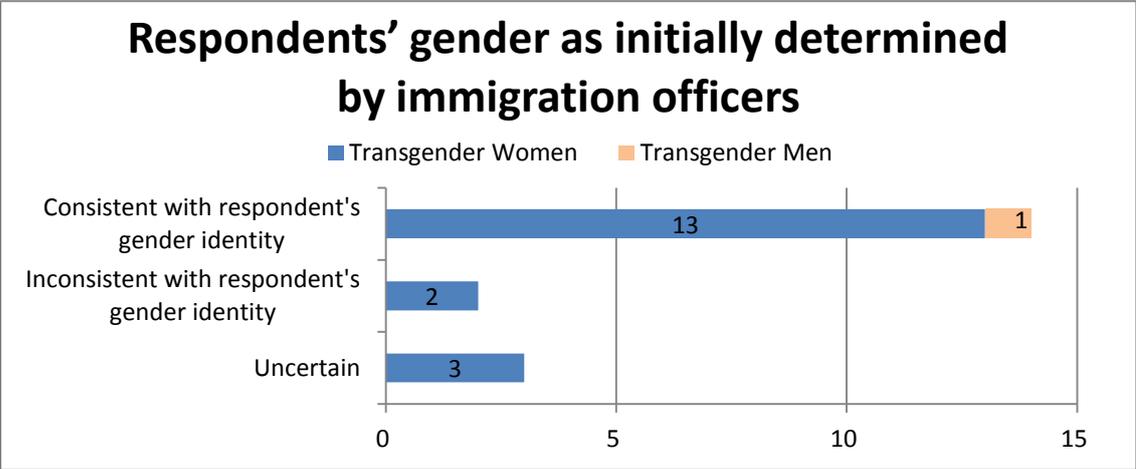
- (1) The above conditions can happen separately or simultaneously on a transgender person, for example, a transgender women may only dress as women full time, yet has not taken hormones or undergone any surgery; or she may dress as women full time, taking hormones, and her body shape has changed, but has not undergone any surgery, and has never seen a doctor.
- (2) Situations where the clothing of a transgender person matches with that of one’s gender identity when in contact with relevant security departments. That is, a transgender woman dresses like/ looks feminine, whereas a transgender man dresses like/ looks masculine.
- (3) “Part-time in womenswear or menswear” refers to those that can only live under their own gender identity in some occasions. They have to conform to living in the gender at birth with regard to work, family or in the process of self-exploration or adjustment.



2.4 Respondents' gender as initially determined by immigration officers (N=19)

	Transgender Women (Frequency/ Percentage) (n=18)	Transgender Men (Frequency/ Percentage) (n=1)	Subtotal (Frequency/ Percentage) (N=19)
Consistent with respondent's gender identity *	13 (72%)	1 (100%)	14 (74%)
Inconsistent with respondent's gender identity	2 (11%)	0 (0%)	2 (11%)
Uncertain	3 (17%)	0 (0%)	3 (16%)

Note : * Regarding transgender women as females, transgender men as males.



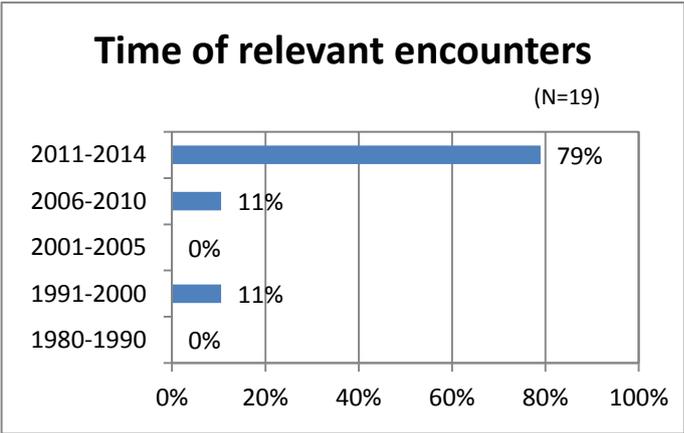
2.5 Gender of the officers at initial contact with respondents? (N=19)

	Frequency*	Percentage
Female	10	53%
Male	10	53%

* Respondents met with both male and female officers in one case.

2.6 Time when such encounters occurred (N=19)

	Frequency	Percentage
1980-1990	0	0%
1991-2000	2	11%
2001-2005	0	0%
2006-2010	2	11%
2011-2014	15	79%



2.7 Types of sexual harassment or disrespectful treatment encountered (Might choose more than one option) (N=19)

The immigration officers concerned might not acknowledge a transgender woman as female and treat her as such, but did not treat her as male either; for transgender men, they might be treated and handled by the immigration officers as neither male nor female.

Types of sexual harassment or disrespectful treatment	Frequency	Percentage
Verbal jokes or comments on respondent's gender identity, appearance or body shape	9	47%
Involving others (made known the transgender identity of the respondent to other irrelevant parties) *	6	32%
Body search by an immigration officer whose gender is different from respondent's gender identity ^a	2	11%
Refusal to acknowledge respondent's gender identity	1	5%
Inappropriate treatment — not treated in accordance with respondent's gender identity / forced to accept treatment of the other gender	0	0%
Not addressed according to respondent's gender identity ^b	0	0%
Forced to put on clothing inconsistent with respondent's gender identity ^c	0	0%
Requests for respondent to offer sexual favors	0	0%
Others (For example, viewed with lewdness or contempt by immigration officers)	0	0%

Note: ^a Transgender women body search was conducted by male police officers, while transgender men body search was conducted by female police officers.

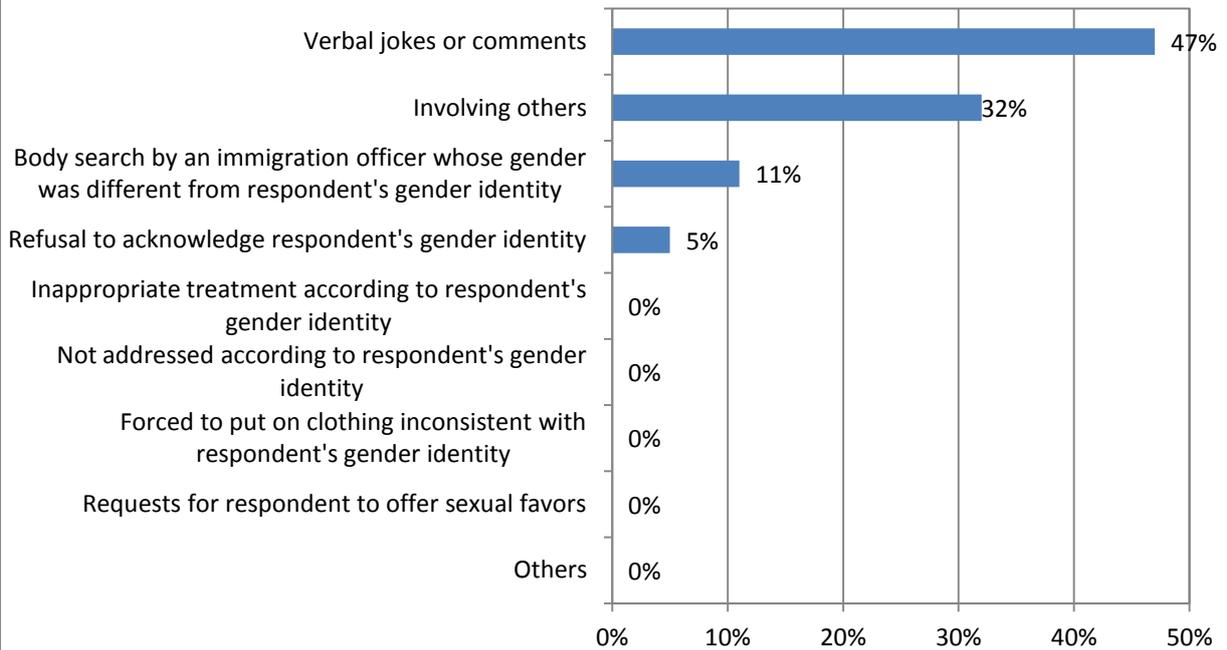
^b Transgender women were called "Sir", while transgender men were called "Miss/ Ms".

^c Transgender women were forced to wear menswear, while transgender men were forced to wear womenswear.

* It included other people at the waiting area / queue, and family members accompanying the respondents, who might not know the transgender identity/ status of the respondents. The respondents felt embarrassed or might have been adversely affected.

Types of sexual harassment or disrespectful treatment

(Might choose more than one, N=19)

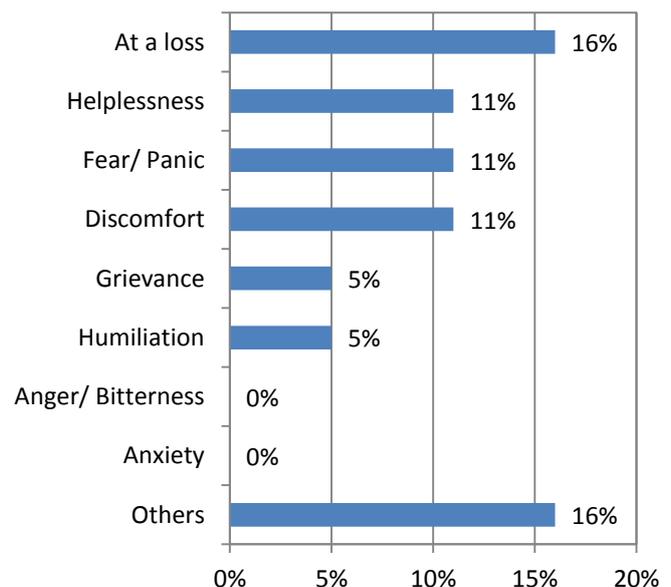


2.8 Personal feelings when subjected to aforementioned treatment (Might choose more than one options) (N=19)

	Frequency	Percentage
At a loss	3	16%
Helplessness	2	11%
Fear/ Panic	2	11%
Discomfort	2	11%
Grievance	1	5%
Humiliation	1	5%
Anger/ Bitterness	0	0%
Anxiety	0	0%
Others	3	16%

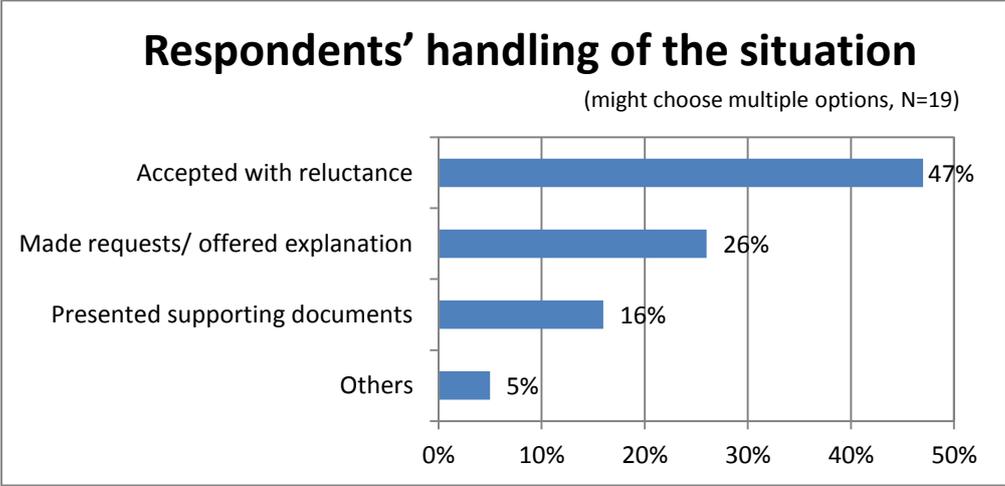
Personal feelings when subjected to aforementioned treatment

(might choose multiple options, N=19)



2.9 Respondents' handling of the situation
(Might choose more than one option) (N=19)

	Frequency	Percentage
Accepted with reluctance	9	47%
Made requests/ offered explanation	5	26%
Presented supporting documents	3	16%
Others	1	5%



3 Cases Related to the Correctional Services Department

(3 respondents in this study had relevant experiences with the CSD. All of them were transgender females. Some of them had multiple encounters and were treated differently, and therefore there were 11 cases.)

The respondents who had been involved in some more cases expressed that they already recognized their transgender identity / conditions about 10-20 years ago. At that time, they would like to live according to their gender identity as much as possible. However, they could not find a job because the society knew nothing about them and had very strong prejudice against them. A lot of the transgender women at that time had to earn a living as sex workers or they wanted to get enough money for the surgery. On the other hand, many transgender women were so depressed that they were at a loss and turned to drugs.

3.1 Procedures involved (some cases might involve multiple procedures) (N=11)

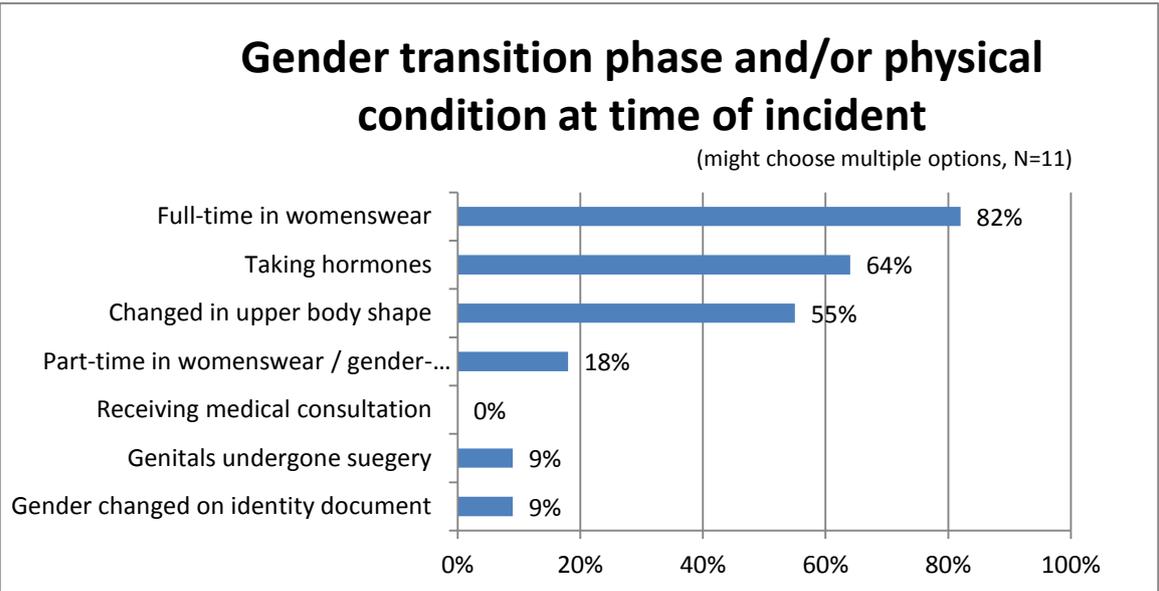
Procedure	Frequency	Percentage
Confinement	11	100%
Issued uniforms	11	100%
Haircut	9	82%
Body search (anal and/or vaginal check)	11	100%

**3.2 Gender transition phase and/or physical condition at time of incident
(Might choose more than one option)^{(1), (2)} (N=11)**

	Frequency	Percentage
Full-time in womenswear (Transgender Women)	9	82%
Taking Hormones	7	64%
Changed in upper body shape (whether obvious or not) (with hormones and / or surgery)	6	55%
Part-time in womenswear (Transgender Women) ⁽³⁾ / in gender-neutral clothing	2	18%
Receiving medical consultation *	0	0%
Genitals undergone surgery	1	9%
Gender changed on identity document	1	9%

Notes:

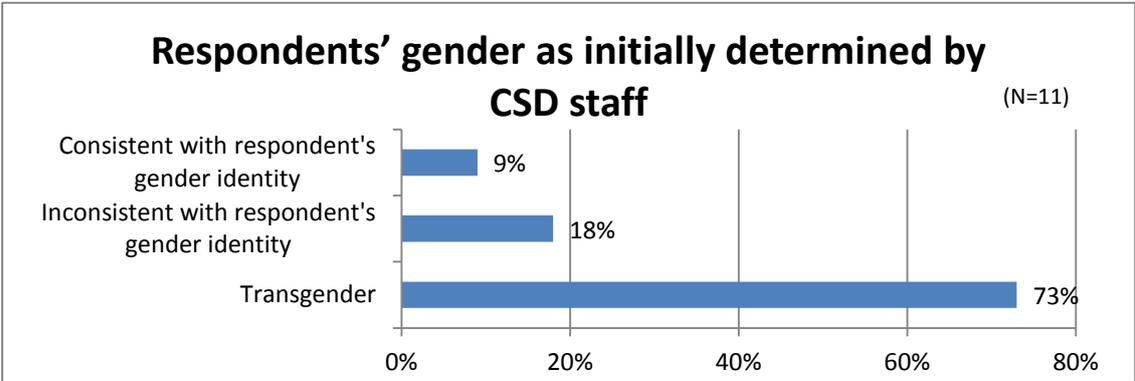
- (1) For the same transgender respondent, they would be in different gender transition phases at different periods. It was possible for a respondent to be at a particular phase in one case, and at different phases in other cases.
 - (2) The above conditions can happen separately or simultaneously on a transgender person, for example, a transgender women may only dress as women full time, yet has not taken hormones or undergone any surgery; or she may dress as women full time, taking hormones, and her body shape has changed, but has not undergone any surgery, and has never seen a doctor.
 - (3) “Part-time in womenswear” refers to those that can only live under their own gender identity in some occasions. They have to conform to living in the gender at birth with regard to work, family or in the process of self-exploration or adjustment.
- * Even the respondent in some of the cases had the breast surgery or even the genital surgery, as it was one-off operation instead of continuous assessment and follow-up by a doctor, it was not counted as receiving medical consultation.



3.3 Respondents' gender as initially determined by CSD officers (N=11)

	Transgender women (Frequency)	Percentage
Consistent with respondent's gender identity ^a	1 ^d	9%
Inconsistent with respondent's gender identity ^b	2	18%
Transgender ^c	8	73%

- Notes :
- a Regarding transgender women as females.
 - b Because the respondent had not changed her gender on the HKID Card, the CSD officers concerned would only decide upon the appropriate treatment of the respondent based on the gender shown on her HKID Card and/or her physical conditions.
 - c When the CSD officers concerned became aware and acknowledged the respondent's transgender identity and conditions, and gave certain (if not all) arrangements accordingly.
 - d Because the respondent had changed her gender on the HKID card.



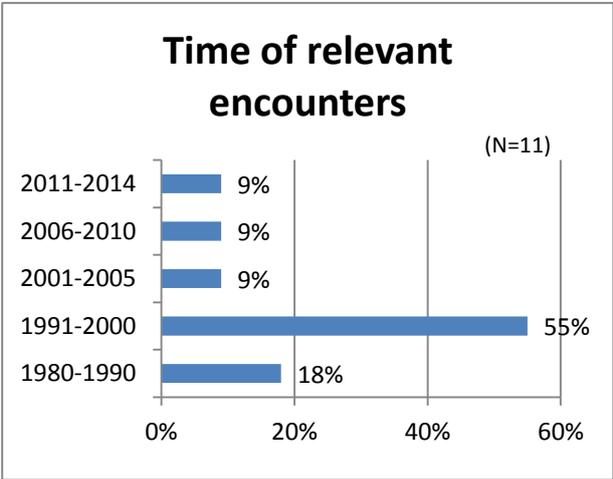
3.4 Gender of the CSD officers at initial contact with respondents (N=11)

	Frequency	Percentage
Female	1*	9%
Male	10	91%

* Because the respondent had changed her gender on the HKID Card.

3.5 Time when such encounters occurred (N=11)

	Frequency	Percentage
1980-1990	2	18%
1991-2000	6	55%
2001-2005	1	9%
2006-2010	1	9%
2011-2014	1	9%



3.6 Types of sexual harassment or disrespectful treatment subjected to (Might choose more than one option) (N=11)

The CSD officers concerned might not acknowledge a transgender woman as female and treated her as such, but did not treat her as male either.

In one case, since the respondent could finally be placed in the female ward (as she had changed the gender to female on her HKID Card), there was no sexual harassment encountered by her. However, the following calculation is still based on N=11.

Types of sexual harassment or disrespectful treatment	Frequency	Percentage
Refusal to acknowledge respondent's gender identity	10	91%
Inappropriate treatment — unable to obtain the underwear suitable to respondent's gender identity/ forced to dress in clothing inconsistent with respondent's gender identity ^a	10	91%
Inappropriate treatment — forced haircuts in men's style	9	82%
Body search (including anal or vaginal check) by a CSD officer whose gender was different from that of respondent's gender identity ^b	9	82%
Forced to be confined with inmates of the gender different from that of respondent's gender identity – partially separated	9	82%
Verbal jokes or comments on respondent's gender identity, appearance or body shape	5	45%
Requests for respondent to offer sexual favors ^c	1	9%
Forced to be confined with inmates of the gender different from that of respondent's gender identity – without any separation	1	9%
Not addressed according to respondent's gender identity ^d	0	0%
Others	1 ^e	9%

Note:

^a Transgender women forced to wear menswear.

^b Transgender women body search was conducted (including anal or vaginal check) by male CSD officers.

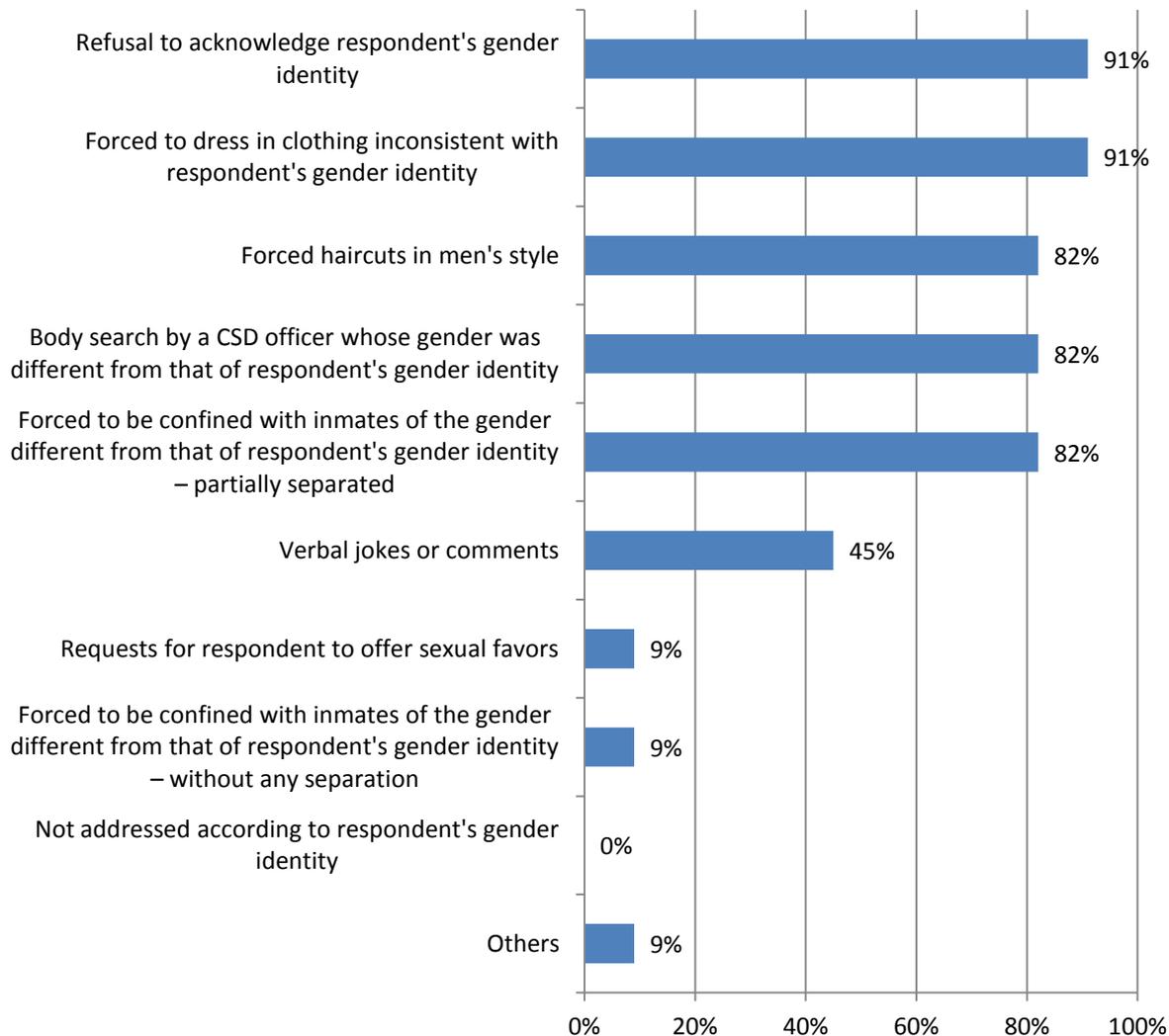
^c This case happened more than 10 years ago. The respondent concerned had been requested by CSD officers to offer sexual favors in exchange for supplies (such as cigarettes) or special treatment, or purely sexual favors, which were refused by the respondent.

^d Transgender women were called "Sir".

^e Being accused for flirting others, while the respondent was just speaking with her female-like voice.

Type of sexual harassment or disrespectful treatment

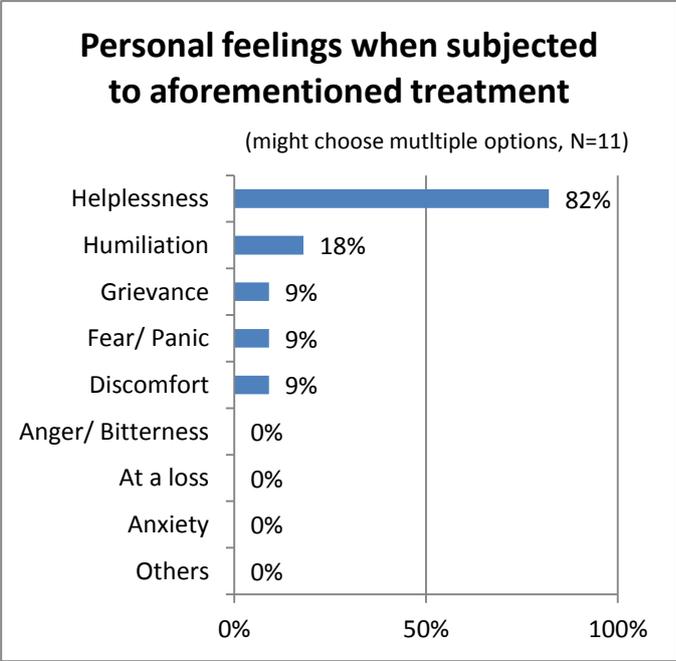
(might choose multiple options, N=11)



**3.7 Personal feelings when subjected to aforementioned treatment
(Might choose more than one option) (N=11)**

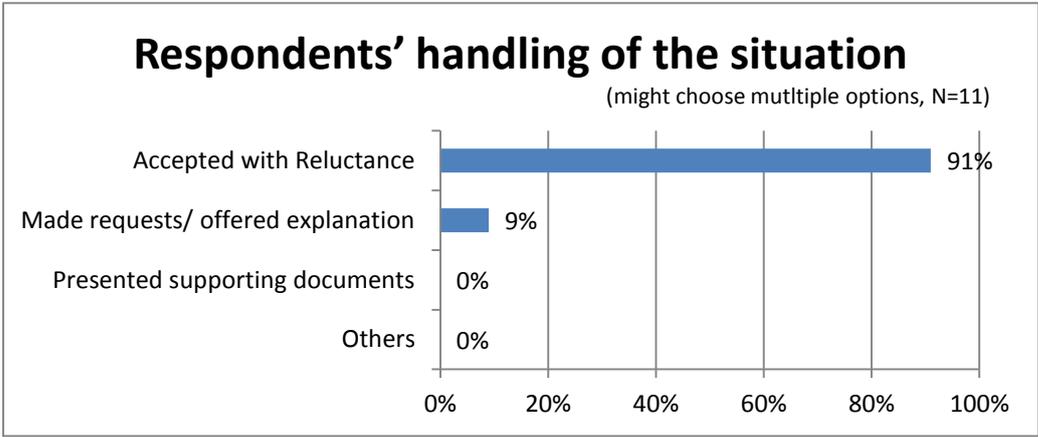
It was heard that a transgender female inmate went on a hunger strike when her hair had been cut short during imprisonment. As she was a foreigner and had left Hong Kong in the course of this study, she could not be contacted for interview.

	Frequency	Percentage
Helplessness	9	82%
Humiliation	2	18%
Grievance	1	9%
Fear/ Panic	1	9%
Discomfort	1	9%
Anger/ Bitterness	0	0%
At a loss	0	0%
Anxiety	0	0%
Others	0	0%



**3.8 Respondents' handling of the situation
(Might choose more than one option) (N=11)**

	Frequency	Percentage
Accepted with reluctance	10	91%
Made requests/offered explanation	1	9%
Presented supporting documents	0	0%
Others	0	0%



4 Views on sexual harassment or disrespectful/humiliating treatment

Most respondents were deeply offended when the titles given to them failed to match their gender identity, and they considered it as a form of verbal abuse. Since this has generally been neglected by people, the data are separately calculated from the item "Verbal jokes or comments" (whether it was intended or not).

The 17 transgender respondents in this study expressed that whether a behavior was considered as sexual harassment or disrespectful/humiliating in nature, it would depend upon some factors like the procedure involved and its level of severity.

4.1 Respondents' views on what constituted sexual harassment and disrespectful/humiliating treatment (Might choose more than one option) (N=17)

	Sexual Harassment		Disrespectful/humiliating treatment	
	Frequency	Percentage	Frequency	Percentage
Verbal jokes or comments	9	53%	4	24%
Body search by a security officer whose gender is different from respondent's gender identity	8	47%	6	35%
Inappropriate treatment — not treated in accordance with respondent's gender identity / forced to accept treatment of the other gender ^a	4	24%	7	41%
Not addressed according to respondent's gender identity ^b	3	18%	7	41%
Inappropriate treatment — was denied clothing suitable to respondent's gender identity/ forced to put on clothing inconsistent to respondent's gender identity ^c	3	18%	5	29%
Refusal to acknowledge respondent's gender identity	3	18%	12	71%

Notes:

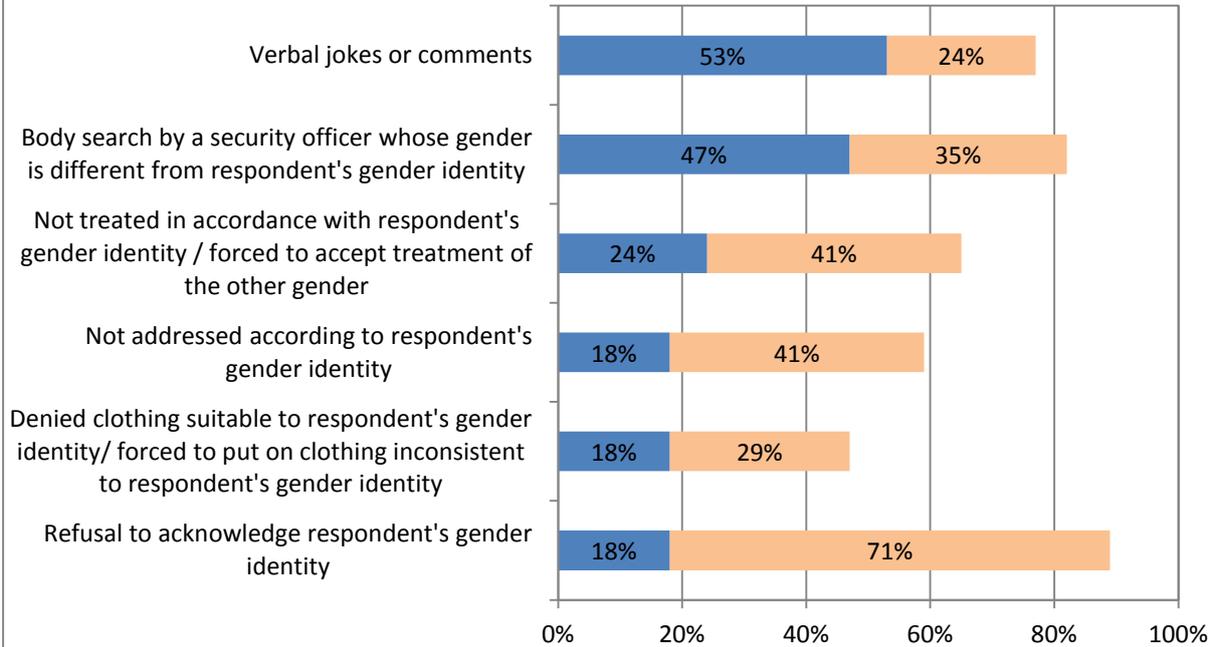
^a "Inappropriate treatment —not treated in accordance with respondent's gender identity / forced to accept treatment of the other gender" includes forced haircut or forced to be confined with inmates of a different gender identity

^b Transgender women were called "Sir", while transgender men were called "Miss/ Ms".

^c Transgender women were forced to wear menswear, while transgender men were forced to wear womenswear; or transgender women were denied female underwear they needed.

Views on sexual harassment or disrespectful/humiliating treatment

■ Sexual Harassment ■ Disrespectful/ humiliating treatment (might choose multiple options, N=17)



4.2 Opinions and Recommendations to improve such situations

A total of 16 transgender women and 1 transgender man were interviewed for this study. Since there was only 1 trans-man in this study, his views could not adequately reflect the views and opinions of trans-men as a whole. In addition, the extent and level of body searches were perceived as factors in determining the degree respondents' acceptance of being searched by officers of a different gender from their gender identity.

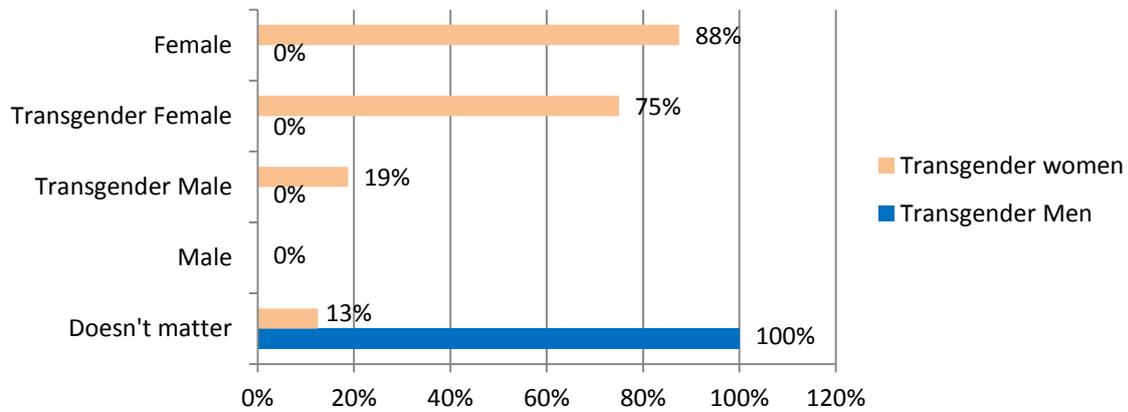
4.2.1 Respondents' preferred gender of officers to conduct searches on them

(Might choose more than one option) (N=17)

Preferred gender of officers to conduct searches	Transgender women (N=16)		Transgender men (N=1)	
	Frequency	Percentage	Frequency	Percentage
Female	14	88%	0	0%
Transgender Female	12	75%	0	0%
Transgender Male	3	19%	0	0%
Male	0	0%	0	0%
Doesn't matter	2	13%	1	100%

Respondents' preferred gender of staff to conduct searches on them

(might choose multiple options, N=17)



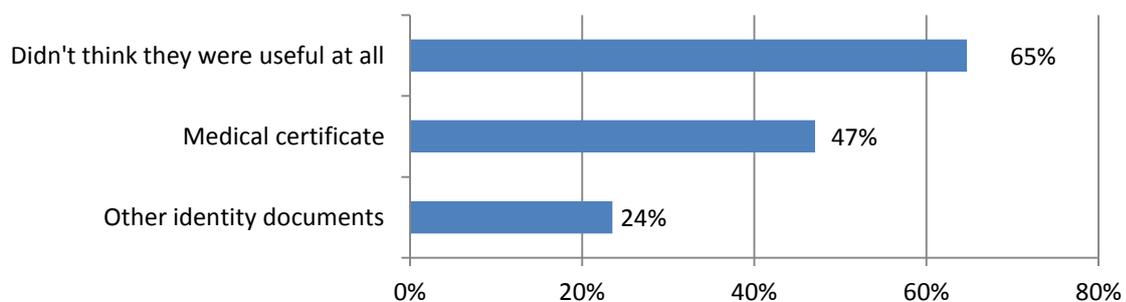
4.2.2 Which supporting documents were considered useful by respondents (Might choose more than one option) (N=17)

Supporting documents might not necessarily refer to those which could prove their transgender identity or status.

	Frequency	Percentage
Didn't think they were useful at all	11	65%
Medical certificate	8	47%
Other identity documents	4	24%

Which supporting documents were considered useful by respondents

(might choose multiple options, N=17)



4.2.3 For respondents who did not believe supporting documents would be useful, their reasons were:

- (1) Producing such documents would sometimes invite disrespectful comments, which were based on misconceptions and biases about transgender persons.
- (2) When the relevant security department personnel questioned the identity of the respondent or the authenticity of the primary document produced, further supporting documents would still invite the doubts of their authenticity.
- (3) When the relevant security department personnel doubted about the respondent, professionals (e.g. in-house psychologists within the CSD) could be invited to conduct a separate assessment.
- (4) Not every transgender person is willing to see a doctor. Furthermore, there are some transgender persons who resist to be assigned an identity from a pathological perspective.
- (5) Transgender persons regarded their transgender identity or status as a matter of personal privacy, and therefore rejected the notion of making any connection between their transgender status and the likelihood of committing a crime. Foreign respondents particularly held this view, as they were much more recognized in their home countries. However, regardless of their gender transition phase and physical condition, they could not change the gender on their documents and therefore any documents were deemed useless.
- (6) Some transgender persons thought that a medical certificate would somehow be useful, but not as much so when compared to identity documents, especially when it came to law enforcement related incidents, that medical certificates might not be considered as evidences for discretion. For example, some trans-women might worry about being arrested for entering the ladies' room or even convicted regardless of the evidences presented. Even if they could produce a doctor's letter to prove their transgender status or gender transition phase, the police or the judge might not treat it as a valid evidence for discretion. Although law enforcement officers might be willing to accept the doctor's letter and reduced the punishment, the transgender persons accused would still perceive the verdict as something unfair for them. They were reluctant to bear the risk of imprisonment due to these uncertain factors.

5 Research Analysis

5.1 Size of transgender population

The latest international estimate of the transgender population is around 0.3% ⁹ of the total population, or 3 transgender persons in every 1,000 people. Out of the 7 million population of Hong Kong, it is estimated that there are approximately 21,000 transgender persons, including those who completed all or some surgical procedure, no surgery, and even those who cross-dress part-time. However, from the Immigration Department's record, in the past three years (2011-2013), there were 33 applications for change of gender on the Hong Kong Identity Card, this figure included the completion of surgery in Hong Kong or elsewhere, approved or pending cases ¹⁰. Since the 1980s, in these 30 years, an estimate has been made that there are about 200 transgender persons who completed surgery as required and requested for a change of gender on their HKID Card (It was estimated based on 33 years from 1981 to 2013 and about 6 applications per year was identified ¹¹).

At present there are 130 cases of medical evaluation or follow-up in hospitals under the Hospital Authority (including those who had completed surgery and changed their registered gender, and those in various phases of gender transition). Therefore, the number of valid respondents in this study accounts for 0.08% - 8.46% of the transgender community (based on the respective figures of 21,000 and 130 transgender persons, whereas 11 out of 17 respondents were being evaluated by doctors in public hospitals in Hong Kong).

5.2 Experiences of sexual harassment or disrespectful/ humiliating treatment

Around 40 transgender persons were contacted for the purpose of this study. Some of them did not encounter the sort of experiences relevant to our research, while others declined to be interviewed for privacy reasons, especially those whose experiences were related to the Police Force and the CSD. In this regard, there were more cases related to the Immigration Department, and the extent of sexual harassment and disrespectful/ humiliating treatment encountered by these respondents was relatively moderate.

In fact, of the 3 security departments, transgender persons get in touch with the Immigration Department on a regular basis. However, the contact is relatively made on a proactive nature (the respondents seeking services from the Immigration Department), being short in duration and involving simple procedures. In addition, immigration departments in different countries have adopted different approaches towards transgender persons. Foreign transgender respondents have expressed that, apart from the ID documents, poor

⁹ Winter, S. (2012). *Lost in transition: transgender people, rights and HIV vulnerability in the Asia-Pacific Region*. UNDP

¹⁰ Legislative Council Financial Committee of Expenditure 2014-15 : Secretary for Security, P.4
<http://www.immd.gov.hk/pdf/sb-e.pdf>

¹¹The social affair tv programme (in Cantonese) of RTHK at November 2, 1986, mentioned that the first sexual reassignment surgery in Hong Kong was being conducted in 1981,
<https://www.youtube.com/watch?v=GA1W3UQRtyc>

communication in English would increase the opportunities of being interrogated, body searched, or even refusal for entry.

The Police Force is the next security department mostly contacted by transgender persons, mainly for two reasons: (1) Police officers in their daily work have to inspect people's ID documents; and (2) when transgender persons are involved (e.g. conflicts arising from the use of toilets), the police officers have to conduct investigation. In the interviews, many respondents asserted that they were often troubled by the issue of going to toilets. They were concerned about causing misunderstanding which would alert the police in severe cases. Respondents of gender-neutral appearance expressed that they felt uncomfortable in entering the men's or the ladies' room. Yet it was difficult to find a unisex toilet.

Since the procedures of the Police Force and the CSD are more complicated and sensitive, these departments have issued written or informal guidelines in dealing with transgender persons. However, due to a lack of comprehensive understanding of the transgender community and what they go through during gender transitioning, traumas will be caused by the security officers if they fail to handle their daily duties properly. For example, allowing male officers to conduct body search on transgender women, ordering them to undress and expose some parts or all of the body in front of the male officers, and/or touching their bodies. One transgender woman recalled that she was once asked to undress in front of more than one male police officers, who then used a ruler to touch and examine her private parts. After this incident, when she was arrested again to the police station, her mood was triggered by that traumatic episode. Feeling a sense of inevitability, she voluntarily undressed herself on the spot. Fortunately, there was an officer who showed sympathy at the scene, who immediately put clothes on her and calmed her down.

For the CSD, where transgender persons tend to live in its correctional facilities for a longer period of time, they will be in regular contact with CSD officers and other inmates, and thus improper arrangements will have far-reaching impacts. In appearance, apart from transgender women's enforced haircut that would cause psychological or mental trauma to them, the refusal to issue female underwear to them, is likely to cause embarrassment and discomfort to some transgender women whose upper body shape have already changed. Furthermore, if the transgender female prisoners are arranged to be confined in a men-only cell, that may probably lead to sexual harassment.

However, from the interviews, we have noticed that the CSD has gradually improved its arrangements. Currently, solitary confinement can be arranged for transgender inmates, and they will be allowed to retain their hair length upon disclosing their gender identity. Though these improvements are very encouraging, they should be formally incorporated into guidelines so as to ensure that every transgender person can get appropriate treatment equally.

"Verbal jokes or comments" were the most frequently encountered by transgender persons in their dealings with every security department. Different respondents may have different views on the same comment. While some might think that it is offensive and sexual

harassment in nature, others may regard it as disrespectful or insulting. In this study, regardless of how the respondents felt towards the comments or whether they amounted to sexual harassment, these comments were included in the data. Relevant comments included: "Are you a man or a woman?", "You do look like a woman (I wouldn't know if not being told)" (cases of trans-women), "(I think) your breast can be bigger", "Have you done the surgery?", "When you have done the surgery, do you need someone to massage for you?", "That means you are a she-male?!", "Why have you become like this?", "How can I believe you by the way you look?", and so on, or even being perceived as a sex worker.

A responding trans-woman said that there was a mark on the HKID Card stating that the holder has changed the gender. There were a few times when the police officers changed their attitudes towards her after seeing the mark. Once she reported someone who had stolen her wallet, the police officer came and took her as a sex worker after seeing her HKID Card, and regarded the incident as a conflict related to sex services. The police officer was not willing to get involved and simply said, "Talk secretly please if you haven't settled the amount of money". Another occasion was that when her apartment was broken in, the police officers came and changed to bad attitudes after inspecting her HKID Card. She then protested instantly: "Sir, please don't take us (the transgender persons) as bad people immediately, when we need help. I am the one calling the police for help now. I am not the criminal for you to interrogate!" She was very angry about the bad attitudes and stigma and prejudice they loaded on her (i.e. transgender persons = sex workers / bad people). These two incidents happened during 2001-2003. Such incidents have never happened again to her after that mark on the HKID Card was removed.

5.3 Influencing factors in sexual harassment or disrespectful/ humiliating treatment

5.3.1 Attitudes, tone and eye contact of officers

Respondents generally recognize the need for regular checks by the security officers as their work requires, and sometimes it is inevitable to subject transgender persons to repeated questioning. However, in some situations, the security officers expressed their views or prejudices against the identity of the transgender persons, making them feeling offended, failing to respond appropriately, and worrying about their treatment afterwards. They then had fear, anger or other negative emotions. To sum up, all the respondents agreed that attitudes, tone and eye contact of the officers, are the most crucial factors in determining if they were sexually harassed or disrespected.

Further elaboration on the item "Inappropriate treatment — not treated in accordance with their gender identity / forced to accept treatment of the other gender", most respondents expressed that if one's appearance is relatively consistent with one's gender identity, the transgender person should not be treated in a way incompatible with the revealed gender identity, even after inspecting the HKID Card. Otherwise, this is considered to be a grave insult or disrespect to transgender persons.

5.3.2 Gender transition phase of transgender persons

In addition, being at different phase of gender transition will affect the views of individual transgender interviewees. The closer they were approaching the latter stages of gender transition, the more likely they would regard the aforementioned items as sexual harassment or disrespectful treatment. And those who were at earlier stages tended to accept such treatment with reluctance. However, when it came to body searches where physical contact was involved, most of the trans-women interviewed complained about being harassed. Although they understood that it was a standard procedure employed by the security officers, they still found it difficult to accept body searches conducted by male security officers.

The date of issuance of the document will also affect security officers' decision in verifying the identity of the transgender person. There will be a mismatch between a transgender person's appearance (gender perception) and the gender in the photo as shown on the identity document, when the transgender person progresses through the phases in gender transition. The mismatch will become greater over the time and therefore it renders the transgender person vulnerable to gender-related harassment.

5.3.3 Different attitudes and ways of handling by security officers

A few respondents passed through different immigration checkpoints within short periods of time and their experiences varied a lot. They faced different treatments from different security officers at the same immigration checkpoints (e.g. exit and entry between Hong Kong and mainland China within a day), even though they appeared in the same attire. In some occasions, they passed smoothly, whereas in other occasions, they faced a number of procedural checking. Quite a number of respondents stated that it was related to experiences of the security officers as well as how they viewed gender stereotypes or transgender identity. Some respondents had faced several security officers concurrently, that each of them adopted different attitudes and approaches. Some security officers showed malicious attitudes, while some were more respectful.

One trans-woman respondent recalled her experiences when she applied to renew her HKSAR passport. Upon seeing her set of photos, the immigration officer asked her to provide another set of photos because "the original set of photos were somewhat different from the information displayed in the document, and thus run the risk of encountering troubles at the immigration checkpoints". It referred that her appearance in the photos failed to match with the gender stated in the document. If she accepted the officer's suggestion, she would need to make her look as a male in the photos (she was in long hair at the time) and put on menswear at the immigration checkpoints; otherwise, she would come to situations where her gender identity would be questioned. Seeing this piece of "friendly advice" as ridiculous, she insisted on using her original set of photos of female appearance. In spite of repeated lobbying, the officer refused to handle her application, and even invited his colleagues to reiterate his concerns. Finally, he requested the respondent to submit a letter, stating that the respondent used the photos on her own accord and would fully responsible for any related consequences. She described the incident as painful experiences.

Moreover, several transgender respondents claimed they would tackle the issue by dressing in gender-neutral attire, hoping that the mismatch between their actual appearance and the gender as shown on documents was small enough to avoid being questioned on their identity. However, if gender-neutral attire makes it more difficult for the security officers to determine one's gender, this might not be an effective way to reduce the likelihood of questioning their gender identity. In this connection, a few trans-women interviewed admitted to have pondered about the "right" attire at the immigration checkpoints from time to time. Another trans-woman shared her views that she sometimes deliberately dressed in women's clothing at the checkpoints. She expected to find out how immigration officers would look at her, as a measure to determine if her appearance was feminine or not. Since she had not committed any offenses, she was unlikely to suffer from any harsh treatment anyway. But when it came to the scenario of being body searched by a male officer, she was adamant that this was not acceptable and she would sue the department or alert the media about her complaint.

5.3.4 Different experiences for trans-men and trans-women

There were distinct differences on the treatment for the transgender men and transgender women. When looking for interviewees, most transgender men claimed that they had not been subjected to any relevant experiences. From the requests issued to the transgender persons involved, we can see that these security departments show more negative perceptions, prejudices and requests towards trans-women (e.g. verbal comments or curious expressions about their conditions).

It is noteworthy that, other than transgender persons, security officers in daily works will also come across some people whose gender could not be determined by their appearances, such as very masculine females. There is a practical need for these security departments to get rid of gender stereotyping and to develop practical guidelines in dealing with these realistic situations.

5.3.5 Sexual harassment arising from disclosing one's transgender identity

The improper handling by security officers in dealing with transgender persons will attract unwanted attention and reaction from others/bystanders (e.g. cellmates in CSD facilities, other travelers in inspection areas and immigration checkpoints, police officers and others in police stations), who will tend to sexually harass transgender persons. They may become curious when passing by (deliberately or not) and peeping, or they may even make comments or glance at the transgender persons. It will certainly upset the concerned parties up to the point of feeling sexually harassed (e.g. looking up and down or staring at certain sensitive body parts, commenting, "You do look so real!")

At situations of being sexually harassed or disrespected due to their gender identity, some respondents claimed that they felt overwhelmed, helpless and scared, while some others would feel uncomfortable, humiliated or furious, whereas someone chose to keep silent.

However, some respondents would resort to revealing their own transgender status and complained loudly against the security officers involved. A respondent said, “If he’s going to take away my dignity, then I’ll take away his as well!” We can see that if such situations are not handled properly, it will ruin the reputation of the concerned departments.

5.3.6 Differences in reaction to different departments

When dealing with different security departments, respondents’ reaction was somewhat different when subjected to the relevant experiences. When dealing with the Police Force, relatively larger number of respondents would make requests or explained their transgender status, because the procedures involved (such as body searches) and the possible outcomes (such as detention) would have far greater impacts on the respondents. In their dealings with immigration officers, since they faced mostly verbal comments, the respondents would not like to attract unwanted attention and would reluctantly accept without explanation in order to pass through the checkpoints as quickly as possible. For the Correctional Services Department, though transgender persons felt humiliated and resentful, they would accept with much bitterness. Some of the feelings were as follows: “When I called up the Complaints Against Police Office, they asked me to come and lodge the complaint. I didn’t go because I think it’s a waste of time”, “You’ll lose your dignity once you step into the police station”, “What can you do even though it’s obvious that they’re fooling you about? They represented the authority, and you got no chance to win the case”. It is clear that some of the respondents have a certain level of mistrust towards the concerned parties and try to distance themselves from these security departments.

5.4 Supporting Documents

More than half of the respondents do not think that supporting documents are of any use. On one hand, there is not a valid mechanism approved by the security departments to issue the documents. On the other hand, most transgender persons are resistant to have their own identity defined or approved by others. From their perspectives, it is a kind of good management to see a doctor so as to monitor their gender transition process, rather than requiring other people’s approval. They prefer to live in accordance with their own gender identity.

In fact, not every transgender person will visit a doctor. In view of insufficient provision of relevant medical services, some transgender persons may take long waiting periods, while some would begin taking hormones themselves, and/ or living in accordance with their gender identity (including full-time or part-time in womenswear or menswear). The whole process of gender transition treatment varies among individuals, and can last from 2 to 4 years, excluding waiting periods. From the latest information, it has been informed that appointment for new cases will be scheduled to April 2018, which means a waiting period of more than 3 years for taking the first medical assessment. Due to this, many transgender persons have started their own real life experience prior to their first appointment in the hope of passing the medical assessment and shorten the waiting time for surgery. Some

may begin taking hormones on their own to start physical changes consistent with their gender identity.

In addition, some transgender persons choose not to go to see the doctor, nor they use the relevant medical services in Hong Kong. Some do not wish to do the surgery because they are physically unfit to do so. They would simply like to live in accordance with their own gender identity.

The case of Miss W demonstrated the issue of gender recognition in Hong Kong^{12, 13, 14} (change of gender on HKID Card does not guarantee that the new gender would be recognized at any time and for any purpose). On the other hand, due to repeated lobbying of some concern groups, inappropriate treatment of transgender inmates by the Correctional Services Department has slightly been improved in recent years. All these issues are attributed to the distrust of transgender persons towards security officers. It has also made the transgender persons doubtful of the so-called legal documents that will offer any real protection for them.

Recently, the Immigration Department refused the entry of a transsexual woman from Thailand^{15, 16}. The related news raised a few points that match with what has been afore-mentioned: (1) The Thailand passport showed the gender of the holder as 'male'; (2) As described by the Immigration Department, the transsexual woman was dressed in gender-neutral clothing; and (3) The transsexual woman spoke little English and could not answer most of the questions. Based on this research and general understanding of transgender community, it reveals that not every transgender person know and employ the way of using supporting documents to verify his / her personal identity.

¹² on.cc, (web news article in Chinese) "Transsexual winning the right to marry", 14 May 2013, http://the-sun.on.cc/cnt/news/20130514/00405_001.html

¹³ Headline daily, (news article in Chinese) "Ms W won transsexual people the right to marry", 13 May 2013, http://news.stheadline.com/instantnews/news_content/201305/13/20130513a174956.html

¹⁴ (news article in Chinese) "The High Court voted 4:1, granted W the right to marry as a transsexual person", 14 May 2013, <http://news.takungpao.com.hk/hkol/topnews/2013-05/1607134.html>

¹⁵ on.cc, (news article in Chinese), "Transsexual from Thailand was refused entry", 19 February 2015, http://orientaldaily.on.cc/cnt/news/20150219/00176_050.html

¹⁶ on.cc, (news article in Chinese), "Senior Immigration Officer: To stop any fake identity", 19 February 2015, http://orientaldaily.on.cc/cnt/news/20150219/00176_052.html

Recommendations

In this study, we have sensed a growing awareness of Hong Kong security departments towards the transgender community at home and abroad, as well as their unique situations and needs. Therefore, in recent years, these departments have developed a number of related guidelines. In particular, the Police Force sent a delegation to Tasmania in Australia in October 2014 to study and exchange with the state police force there on the issue¹⁷, which demonstrated the level of care and attention devoted to different communities, while also demonstrating that they strove to improve continuously. Based on the research findings, we have made a number of recommendations for improvement purposes.

(1) Forms of Addressing

When the security officers first come into contact face-to-face with transgender persons (or whose gender cannot be determined by their appearances), they can address them as “you” in the first instance. Later, the security officers can address them by their names once knowing (but pay attention that their names may disclose their transgender identity, and thus caution should be taken in the presence of other people). In this way, one can avoid addressing transgender persons as “Mr. / Sir” or “Miss/ Ms/ Madam”, which may cause the concerned party feeling uncomfortable or being offended. For example: “Can you come over here for a minute? I would like to validate some information with you.”

(2) Use of Words and Attitudes

When the security officer is examining or questioning, we suggest that they should remain respectful towards the transgender persons, by avoiding offensive or stigmatizing words and withholding their personal views on transgender identity. For example, a foreign trans-woman respondent recalled feeling offended when one immigration officer inquired “Have you done the surgery?”, which she regarded as a purely personal matter and had nothing to do with her as an arriving visitor. If a man or a woman could enter or leave Hong Kong without being asked such questions, the transgender persons should never be subjected to such partial/ offensive treatment either.

(3) Briefing Procedures

Whether holding in custody, confinement or other procedures, there is a need for security officers to provide a briefing to the transgender person about the procedures and arrangements that will follow. There was once a trans-woman inmate who misinterpreted solitary confinement as a punishment, when it was actually arranged by CSD officers who understood her situation as a transgender person. This is the kind of details often overlooked by the security departments when the existing guidelines are implemented. For example, the officer can explain to the transgender person, “Since we have known your

¹⁷ Offbeat, “Delegations share policing experiences overseas”, 14-27 January 2015, Issue 1031
<http://www.police.gov.hk/offbeat/1031/eng/2328.html>

(transgender) condition, you will be placed in solitary confinement”, “This arrangement does not intend to isolate you, but it is for your best interests under the circumstances” or “we think neither a female ward nor a male ward will be suitable for you” and so on.

(4) Body Searches

At present, security departments do not have some uniform guidelines how to conduct body searches. For example, the transgender person can be requested to empty the contents of their pockets, or flip them inside-out for inspection by the security officer who will avoid physical contact with the concerned party. If it needs body search by patting as commonly employed by the Immigration Department, when the transgender person has raised up the hands, the security officer can state in advance, “We will begin the body search now”. This will make the concerned party mentally prepared, before the security officer begins to pat the transgender person from the shoulders or back to the legs.

A trans-woman disclosed her experiences that once she entered a foreign country, a female security officer checked her document and then turned to her male colleague and said, “Yours.” The male security officer went up to her and placed his hands on her breasts to do the patting. During the body search, she had no time to understand what was happening. She felt too shocked and offended to respond.

To solve the problems brought by body searches, it is recommended that training should be provided for general staff to enhance their awareness of the transgender community and in particular, to train up some female or transgender women staff specific for body searches if such cases occur.

In recent years, the CSD has installed a facility, like a X-ray machine, for doing anal check. The persons in custody (not only transgender persons) can step up on the machine for a scan to check instantly whether they have hid any prohibited items in their bodies (e.g. drugs). No checking by hands is needed anymore. This facility may not be available for other security departments at the moment, or it may not be suitable in every occasion. However, it certainly helps if other security departments proactively consider using more advanced technology to replace body searches by hands in future. The security officers can execute daily duties smoothly in some professional ways.

(5) Attires

We recommend a gender-neutral approach for uniforms in the detention facilities. Furthermore, the security departments should acknowledge the needs of transgender women and provide them with female underwear. Transgender persons should under no circumstances be forced to put on clothing that is incompatible with their gender identity.

(6) Medical Assistance

Transgender inmates need to be provided with continued medical support, including psychiatric assessment and supply of hormones (for those who have started taking; or during imprisonment those who upon medical assessment are suitable for taking). If there is no such medical support, the transgender inmates may become mentally and sexually unstable, or their bodies and health will adversely be affected.

In addition, it is important to note that, each transgender person is at a different gender transition phase with distinct medical histories. Some transgender persons may have used different methods on their own to change their bodies (e.g. some trans-women in other countries make their own injections of silicone or chemical substances into their chests). Therefore, it is recommended that at the beginning of their confinement, it is best to arrange a detailed physical examination on the transgender inmates. If they have health problems later on, the detailed physical examination will offer certain protection for the security departments from any potential liabilities.

(7) Supporting Documents or Information

When security officers find that the appearance of the person in front does not match with the photo on the documents, they can question the identity of the concerned party. It is preferable that the concerned party will be asked to present other supporting documents (with photos) such as travel or identity documents issued by other countries, company employee card or other qualification proofs (e.g. Construction Industry Safety Training Certificate aka green card), membership cards, and so on. This rule should apply to everyone, including but not limited to transgender persons. This practice will enable the security officers to be more professional in discharging their daily duties smoothly.

(8) Gender Recognition

In local and foreign security departments alike, except in situations where security officers have already known about the gender on the documents of transgender persons, the first impression by security officers in more than half of respondents matched with their gender identity. However, once they produced the documents which led to the disclosure of their transgender status, they would be subjected to disrespectful words and attitudes, or even suspected encounters of sexual harassment. Therefore, the security departments have the responsibilities to implement some effective administrative measures to protect transgender persons when they try to validate their personal identity in ways of avoiding encountering sexual harassment in the process.

Proposed administrative measures include the following: (i) To grant transgender persons more leeway in registration of gender recognition, or even setting up a "third gender" identity, so that transgender persons can be protected from sexual harassment, disrespect, and embarrassment in daily life situations (especially those that need to present ID documents) such as seeking services in banks, clinics and libraries; (ii) Apart from medical evidences, an alternative effective method of proof and verification of identity can be

established. For example: adding an item in the personal particulars that allows transgender persons to declare their gender identity and their intention to live under such identity, which will be verified by departments concerned and under oath before placing the information in government records. If technology allows, such registration can be recorded within the microchip in HKID Card or passport, so the security departments will accurately verify the identity of the transgender person without breaching the personal privacy; (iii) Some visa-like documents or supporting documents with restricted validity period (e.g. one year) as a proof of the holder's gender identity. The holders should swear under oath at the presence of security officers that the information provided is true. When it is deemed necessary, a recent photo of its holder shall be attached to the document.

In the custody environment under the CSD, they may consider amending the current arrangements (e.g. instead of placing a transgender woman in solitary confinement in a male ward, she should be placed in solitary confinement in a female ward).

(9) Enhance Training and Communication with Transgender Community

In our search for interviewees, some transgender persons recalled that they came across some security officers who understood and respected their conditions. It demonstrates that the guidelines, education or training about the transgender community in these security departments and in the society as a whole appear effective. Many respondents expressed that when proper training has been enhanced in security departments, it would lead to improvement in treating the transgender persons, boost the transgender community's confidence in the security officers, as well as establish a relationship of mutual trust between the concerned parties.

Appendix

由平等機會資助 跨性別資源中心進行
跨性別人士在保安部門遇到的性騷擾情況問卷調查

Funded by Equal Opportunities Commission Conducted by TGR (Transgender Resource Center)
Security Services in the Work with Trans People that would lead to Sexual Harassment

A) 基本資料 (Basic information)

1. 你出世紙上的性別是? 女 F 男 M
What is your assigned gender at birth?
2. 下列那一項較能代表你的身分? (可選多個一項)
Which of the following identity describes you best? (Can choose more than 1)
 女跨男 (FTM transgender) 男跨女 (MTF transgender)
 跨仔 (trans-man) 跨女 (trans-woman)
 雙性人/陰陽人 (Intersexual) 易服者 (CD/ Cross-dresser)
 性別認同障礙/ 性別焦慮 (Gender Identity Disorder/ Gender Dysphoria)
 女 F 男 M
其他 Others : _____
3. 年齡 Age :
 18 歲以下 19-25 26-35
 36-45 46-55 56-65 66 或以上 (66 or above)
4. 國籍 Nationality: _____

B) 在保安部門遇到的經歷 Your experience encountering with the security agencies

1. 你的經歷是在甚麼環境之下, 以及與哪一個部門相關?
Who and in what contact are you dealing with?
2. 那次經歷的日期和歷時?
When is the date and how long is the duration of that experience?
3. 你那時的打扮如何 (你是以哪一個‘性別’的裝扮出現)? 例如你當時的衣著如何?
How were you presenting (in what ‘gender’ did you intend to present)? i.e. how were you dressed?
4. 你最初面對的職員是甚麼性別的?
What is the gender of the person or persons dealing with you initially?
5. 相關職員當你是甚麼性別 (以你的判斷)? 是根據你的外觀, 還是根據你的證件?
What gender do they think of you (as far as you can judge)? Does it depend on your appearance or depend on your identity document?

6. 你證件上的性別是?
What is the gender marker on your identity card/ document?
7. 根據你國家的法例, 若你完成所有性別重置手術後, 你證件上的法定性別可以更改嗎?
According to the law of your country, can you change the gender marker on your identity document when you finish all the sex reassignment surgery (SRS)?
8. 你有被問及與你的性別相關的問題嗎? 是怎樣的問題?
Have you been asked questions related to your gender? What kind of questions is it?
9. 你遇到怎樣的對待? 或那種對待是否與性別相關? 如是, 是把你以哪一種性別來看待?
How were you being treated? Is it gender based/ related? If yes, what gender do they treat you as?
- i) 跟進你情況的職員是甚麼性別? What is (are) the gender of the officer(s) you are dealing with from beginning to end?
 - ii) 他們對你的稱呼是甚麼? What form of address are they addressing you?
 - iii) 職員有沒有以你認同(及所表達)的性別看待你? Do the officer(s) recognize you as your desired (and presented) gender?
 - iv) 你有沒有被搜身? 如有, 是被哪一個性別的職員搜身? Have you been body searched? What is the gender of the officer who did it on you?
 - v) 他們有沒有以你認同的性別去提供廁所? Do they provide toileting facilities according to your desired gender?
 - vi) 他們有沒有以你認同的性別去提供宿舍? Do they provide accommodation to you according to your desired gender?
 - vii) 拘留時, 他們按甚麼(性別)規則對待你? 例如所提供的衣服、有否給你剪髮、有否提供荷爾蒙或相關醫療服務? Duration detention, what regulations do they apply to you (any clothes that they give you, do they cut your hair? Do they give you any access to gender transition healthcare?)
 - viii) 你有沒有遇到一些侮辱性的言語或對待? 包括任何形式的性騷擾? Have you encountered any abusive language or treatment? Including sexual harassment of any kind?
 - ix) 有影響其他人士對你的對待嗎? 例如其他囚犯? Does it affect how others see/ treat you? Such as the other inmates?
 - x) 其他 Others: _____
10. 你當時的感覺如何?
How were you feeling at that time?
11. 你的感覺有持續影響你嗎? 維時多久?
Did your feeling continuously affect you? How long did it last?

12. 你有沒有表達過/ 爭取過你的權利? 你知道你的權利是甚麼嗎? 你會認為你的待遇是既定程序嗎?

Did you fight for your right? Do you know what your right is? Or do you think you are being treated according to the regulations?

13. 事後你有沒有作出投訴? 為甚麼?

Did you lodge complain afterwards? Why / Why not?

14. 你覺得將來可以怎樣去改善情況?

What will you recommend to improve the treatment in the future?

15. 身份證明文件以外, 你覺得醫生信或其他文件(例如由某些組織發出的信)有用嗎? 或應該作為評定你身份及相關對待的考慮文件之一嗎?

Apart from the identity document, do you find the letter from the doctor or other documents (such as those issued from some organizations) useful? Should it be taken into account in assessing your identity and related treatment?

16. 在你的國家, 相關部門又會如何處理呢? 你覺得哪兒比較好?

In your country, how would the related department(s) deal with the same situation? Which country do you think deals with it better?

17. 如果必定要進行搜身程序, 你會較為接受哪一個性別去替你搜身? (可選多個一項)

If body search is to be performed, by which of the following gender person would you prefer? (can choose more than one)

女 F

男 M

男跨女 (MTF transgender)

女跨男 (FTM transgender)

18. 有關於你的性別重置手術階段 The gender transition stage you are at:

	Yes	No
賀爾蒙治療 Using hormones regularly		
乳房 (切除/生長/植入) Had breast implantation/ removal		
外生殖器切除術 (陰莖切除) Removal of Penis		
外生殖器成形術 (包括人工陰莖) Construction of Penis		

19. 你覺得甚麼是性騷擾? (可選多項) What do you think is 'sexual harassment'?

稱呼 form of address (as verbal abuse)

制服 Uniform

被與你認同性別的相反性別職員搜身 Body search by an officer of the gender opposite to your desired gender

不被承認為你認同性別 Not being recognized by/ Denial of your desired gender

以不適當的性別被對待 Treated as an inappropriate gender

完 End