

Health & Human Rights Impacts of Anti-Transgender Legislation

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Abstract

Background: Anti-transgender legislation dehumanizes transgender individuals by restricting gender-affirming identification, documentation, and healthcare. These legislative constraints lead to disproportionate negative health outcomes, such as increased anxiety, depression, self-harm, suicidal ideation and gender-based violence. Policy solutions are needed to protect the human rights of transgender individuals, including bodily autonomy and self-determination.

Methods: A policy analysis using the CDC Policy Analysis Framework and the Racial Equity and Policy framework examined the U.S. legislative landscape and evaluated policy solutions. Policies examined included HB 15, SB 5 (Equality Act), H.Res.269 (Transgender Bill of Rights), and city/state resolutions declaring sanctuary status for transgender people. A policy-informed advocacy toolkit was developed to inform policy makers and the general public about the benefits of the Equality Act and other pro-equality legislation in collaboration with the Human Rights Campaign.

Results: Anti-equity policies result in negative health outcomes and human rights infringements for transgender people. Pro-equity legislation, like the Equality Act or Transgender Bill of Rights, would prevent these harms, but faces political obstacles in the 119th Congress and Supreme Court. State and city-level sanctuary policies provide a feasible interim solution to safeguard transgender individuals, but only in sympathetic legislative settings.

Conclusions: The legislative assault on transgender Americans has significant health and human rights consequences. However, the current political climate does not favor maintaining or expanding transgender rights. Counter-policies in the form of sanctuary status leveraging state constitutions and shield laws can be utilized to offer physical, emotional, and legislative refuge amidst a hostile political climate, but implementation remains inequitable.

Implications: Policy efforts are needed to protect transgender rights to prevent further erosion of human rights, public health, and health equity.

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