



Malaysian transgender women take their fight to court

By Sen Lam for Asia Pacific

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A group of transgender women in Malaysia has filed a groundbreaking court case challenging a local law that prohibits them from expressing their gender identity.

Sharia law in the state of Negeri Sembilan "prohibits any male person who, in any public place, wears a woman's attire or poses as a woman".

Activist Nisha Ayub, from the group Justice for Sisters, has told Asia Pacific the May 22 case is important because it could set a precedent for the constitutional rights of transgender women.

Ms Nisha says transgender women face frequent harassment by officers of the state religious department.

Often, she says, they are stopped and questioned for just meeting up with friends in a shopping mall.

"Under the sharia code, we have a law against cross-dressing, and it's specific to Muslim transgender women," Ms Nisha said.

"We can be fined a maximum of 1,000 ringgit (approximately \$AU330) and even imprisoned for between six months to a year.



PHOTO: Nisha Ayub is a transgender activist from the group Justice for Sisters.

MAP: Malaysia

"In Malaysia, we're not recognised legally. If I'm a transgender woman and I'm on the street, walking, minding my own business, I can be caught by these religious people based on the sharia law, just being who I am."

Ms Nisha says when transgender women are detained, they are often put in male prisons where they are vulnerable to harassment and sexual assault.

Personal journey to empowerment

Transgender women, traditionally known as 'Mak Nyahs', have long been tolerated, if not embraced in Malay society.

They frequently play a role in social events like weddings.

Now with the rise of a vocal right-wing Malay-Nationalist element in the ruling UMNO party, that social tolerance is ebbing into the background.

Nisha Ayub points to the long-running sodomy case against Opposition Leader Anwar Ibrahim as an example of the issue of LGBT (lesbian, gay, bisexual, transgender) being used for political ends.

"Certain bodies have been saying that LGBT is the enemy of Islam. And we have groups going around, attacking transgender people especially because we're visible, compared to the LGB."

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Nisha Ayub, activist

Nisha Ayub is no stranger in LGBT circles and also lobbies actively for HIV-AIDS health in Malaysia.

She has been advocating transgender rights for the past eight years, and that in turn has empowered her.

"Because of my experience working with NGOs, I met a lot of empowered people," Ms Nisha said.

"Now I am aware of my rights and the law, compared to the time when I was 20-years-old.

"I was so naive about the law in Malaysia, and didn't know how to protect myself. Now I am aware of everything."

Topics: gays-and-lesbians, law-crime-and-justice, malaysia, asia

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