

A Preliminary Study on Transgender Issues: A Case Study on Justice for Sister (JFS) as a New Social Movement in Malaysia

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Abstract

Justice for Sisters (JFS) is a non governmental organization founded by Nisha Ayub to raise public awareness about issues surrounding violence and persecution against the transgender community in Malaysia. JFS also has group of networking such as Pink Triangle Foundation, SEED Foundation and Human Rights Initiative. In this article, the author will analyse a violence and extremism against gender segregation towards the trans community. A qualitative research method was conducted by using document analysis. In addition, this article also applied a new social movement theory (NSMT) in discussing the development of JFS regarding transgenderism issues in Malaysia. This article regarded that JFS was one of the new social movement to overcome specifically the issue of transgender in Malaysia.

Keywords: *Justice for Sister, transgender, new social movement theory, Malaysia*

Introduction

Justice for Sisters also known as JFS has been introduced by Nisha Ayub. Nisha Ayub is a transgender rights activist from Malaysia. She started the SEED Foundation to help transgender people and Justice for Sisters for legal help. In 2016, she received the International Women of Courage Award from the United States. JFS is an organization tries to repeal Malaysia's transgender laws. This organization has brought a new hope for Malaysian's transgender in recognizing their presence. JFS also has been known as a human right organization where the main objective is to protect Malaysian's transgender from being criminalized and violence in public sphere. On the other hand, this social movement has been established in 2010 yet not many Malaysian are aware with their existence.

Nisha Ayub is a leading advocate for transgender rights in Malaysia. She is a co-founder of two NGOs; the SEED Foundation, which provides support to transgender individuals in term of healthcare, and Justice for Sisters, which provides legal aid to transgender individuals and seeks to end persecution of LGBTI people. She spearheaded a campaign to promote positive images of transgender people, and currently runs workshops on sexual orientation and hate crimes for government, corporate, and civil society groups. As a transgender, Muslim woman living in a Muslim-majority country, Ms. Ayub has been beaten and imprisoned simply for who she is. At age 21, she was arrested for dressing as a woman and served three months in a men's prison, where she was sexually abused. Despite continuing threats, Ms. Ayub perseveres in fighting for the rights of LGBTI individuals throughout her country (U.S. Embassy Malaysia, 2016).

As a founder of JFS, Ms. Nisha found many difficulties arise to protect this group from being recognised in Malaysian society. She has been very outspoken internally and externally in advocate the transgender rights in Malaysia. The Star online was reported on 2014 stated that she was sentenced to three months in prison in a male cell. Nisha added that: *"I was only 21 at*

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the time and it was my first sexual experience. I even tried to kill myself in the cell by strangling myself with a cloth but I was stopped by an inmate”.

During the report launch “I’m scared to be a woman”, she claimed that she still believes in Islam the religion itself, but the matter is about the law in advocate their rights in Malaysia. Thus, as a director of the organization, she thinks that many trans should be protected againts the violence and discrimination in Malaysia

Literature Review

The meaning of transgender itself can be explained as a cross gender defined by biology, anatomy, and the chromosomes. In physiology, the gender is remains same but psychologically the gender is different. Brown and Rounsley (1996) explain that transgender is a term used to figure out all the individuals who have gender conflict. Richards (1997) also claimed that transgender has commonly been used in a society. It is also meant as any challenging behaviour of dichotomous societal roles. Nevertheless, it is also included cross-dresser of an individual like any surgery of gender. Boswell (1997) added that the term “transgender” more focus on two poles of masculine and feminism. The term more accurate based on the clash of gender to be more fully human. Denny and Green (1996) state that the term of transgender has commonly accepted to illustrate those who are variety in gender, however, not all agree with this term as to show the gender’s variety.

Research on the lives of transgenderism in Malaysia is scarce and whatever little there is, is weighted towards the transwomen. The research is often linked to the issue of HIV and AIDS or undertaken with the agenda of rehabilitating them as this segment of the LGBT community tends to be the most visible, and is seen as being “deliberately” effeminate or “deliberately engaging in sex work”. Many interviews with transwomen show that many realize that they are not exactly male by the time they are seven or eight years old, and some transition naturally at this early age. They realize that though they are biologically male, they identify as women. However, for many, this transitioning incurs the wrath of family members, who are unable to accept them as transgender. Many families use force or humiliation to try and change them, but to no avail they remain as they are.

Most grow up feeling rejected both at home and in school, where they face verbal and physical abuse and either leave their homes, or are kicked out at an early age, usually in their teens. The scars of abuse, both physical and verbal, and the rejection from people close to them leave a mark. Many live in fear, knowing that they are targets of abuse, and feel they cannot go out or trust anyone easily. Owing to their visibility, there is heightened stigma, discrimination, abuse, violence and persecution against this group, especially from those who are transphobic. Police and Islamic religious affairs authorities also target this group, often extorting money and sexual favors. According to the former Transgender Programme Manager at Pink Triangle Foundation, Sulastri Ariffin, there have been cases of plastic bags of faces and urine being thrown at transwomen. They are often beaten up, sometimes by complete strangers, just for being who they are. Many transwomen do not complete their studies and very few hold a diploma or a bachelor’s degree. Without proper education, many find it is difficult to get secure jobs that can pay reasonably. Throughout such candid personal (and communal) stories, trans do two things; first, their very identities as trans serve as unapologetic, liberating and empowering tools to interrogate and challenge the normalcies of gender and sexuality. Secondly, trans also stories diagnose and unmask social stigma and antagonistic media depictions as the main culprits behind the violence and accusations of pathology that are constantly hurtling towards them (Joseph & Thaatchaayini, 2018).

New social movement theory (NSMT) emerged in the 1980s in Europe to analyze distinctive social movements that appeared from the 1960s onward. These movements were seen as “new” in contrast to the “old” working-class movement. New social movements (NSMs) are organized around race, ethnicity, youth, sexuality, countercultures, environmentalism, pacifism, human rights, and the like. NSMT is a distinct approach to the study of social

movements, albeit with significant internal variations (Cohen, 1985; Klandermans, 1991; Larana, Johnston, and Gusfield, 1994).

New social movement theory belongs to the larger body of interdisciplinary theory called social movement theory. Social movement theory, which began in the late 19th century, refers to the study of social mobilization including its social, cultural, and political manifestations and consequences. Social movement theory proposes that social movements are, in many instances, created through the use and manipulation of frames and information. Social movement scholarship is often motivated by a desire for social change and may integrate scholarship and activism. In the case of new social movement theory, social movement theorists study how groups manipulate information, identity, and structure to achieve goals.

Four theorists best exemplify the range of new social movement theories in the context of their own intellectual traditions: Jurgen Habermas (1929) (Germany), Alain Touraine (1925) (France), Manuel Castells (1942) (Spain) and Albert Melucci (1943-2001) (Italy). Habermas (1929) locates the NSM at the seams between system and lifeworld where he identified two features; it has a purely defensive character and concern the nature of the goals or demands of movement.

Touraine (1925) anticipates several of the major debates that is associated with NMS. In an empirical study of Touraine, Wieviorka and Dubet (1987) claimed that there is one central conflict in every type of society. However, in 1988, Touraine suggests that there is no single class or group that represents a future social order.

Castells (1942) focuses the impact of capitalist dynamics on the transformation of urban space and its roles. He also added that it becomes an urban issue. Not only that, he recognizes the existence of other group identities like gender, ethnicity, nationality and citizenship. He also exemplifies several NSM themes such as the emphasis on cultural identity, the recognition of nonclass-based constituencies, autonomous of self management and others.

Melucci (1943-2001) argues that the post modern world brings new form of social control, conformity pressures and information. The movements also are triggered by new sites of conflicts that involved symbolic codes, identity claims and personal or expressive claims. Furthermore, he also concerns with the role of identity in modern collective action. The fluidity of identity in social movement is related to the fragility of a organization.

New social movements encourage members to engage in lifestyle changes, tend to have supporters rather than members and are characterized as loosely organized networks. These movements differ from protest groups or movements as they often desire to see change on a global scale as opposed to the single issues taken on by protest groups. Lastly, the diversity of different national setting of NSM have been derived by theorists like Habermas (1929), Touraine (1925), Castells (1942) and Melucci (1943-2001).

Issues of Transgenderism in Malaysia

There are many issues of transgenderism in Malaysia that have been debated rampantly either in social media, protests, NGOs and others. Recently, Ms. Nisha Ayub had brought the trans issue to the JAKIM and received many critiques from the Malaysian societies to protect them in terms of violence, work discrimination and cross dressing (Astro awani, 2018).

Seeking the Justice for Years

There are many issues of transgender in Malaysia by year. In 2010, JFS as a leading NGO to advocate the issues by stopping the violence and persecution towards them. They are the Mak Nyah community and being persecuted by Section 66 on "*Lelaki berlagak seperti perempuan*" of the Syariah Criminal Enactment (Negeri Sembilan) 1992. Nevertheless, they also have suffered mental distress, physical violence and even sexual molestation at the hands of the religious officers who enforce these laws. They are stripped of a life of dignity and deprived of personal

liberty and fear for their lives. On top of that, they are unable to step out of homes without the fear of getting harassed, abused or arrested. In a meantime, they are no longer able to go out or to eat and drink in public without the fear of harassment and abuse from the religious officers who enforce these laws.

In 2011, according to Justice for Sisters, there is an alleged growth of arbitrary arrests of the transgender persons, especially in certain states. Kuga Thas, who is an advocate for women's empowerment and non-discrimination, believes those in power and in authority need to realise that no amount of coercion and violence will change the transgender community because "Mak Nyahs are Mak Nyahs.

"They are who they are, inside and outside of their homes. They are not pretending to be women and they are certainly not impersonating women. They identify as women, not men, and many often begin to feel that way between the ages of seven and 10" (KRYSS,).

According to Thilaga, JFS researcher and activist, it is a simple human right issue. *"Just because they are transgender, and a minority group, doesn't mean that they don't have rights. While they are visible, they are a muted group. That is why, in solidarity, we should stand with them to fight for their rights. We should be outraged that their rights are being violated because of who they are"*.

In 2012, the transgender community, are very disappointed, distraught and disheartened with the unfavourable verdict of Justice Datuk Siti Mariah Ahmad on 11th of October 2012 in the High Court at Seremban, where the Judge held that section 66 of the Syariah Criminal (Negeri Sembilan) Enactment 1992 excludes our fundamental liberties under the Constitution. We are also shocked by the reliance on Islamic texts in her ruling to justify the existence of the law when it is the Constitution that is the supreme law of Malaysia. We seek a review of the constitutionality of the law as we believe that section 66 and other similar laws are inconsistent with our freedom of expression, right to non-discrimination, dignity, privacy and right to livelihood (Website of JFS, 2012).

In 2014, justice prevails for transwomen in Negeri Sembilan after years of violence and discrimination. "This is indeed a joyous moment for the transgender community, especially the transgender community in Negeri Sembilan, as they have directly experienced the violent impact of Section 66. Section 66 has created severe trauma and distress to the community, as it was continuously used to harass, humiliate, suppress gender identity of transwomen and violate them in the most inhumane and uncompassionate ways. Justice for Sisters commends the resistance of the Negeri Sembilan sisters in leading this challenge for 4 years," says thilaga of Justice for Sisters (Website of JFS, 2014).

In 2016, Based on media reports and our documentation, at least 63 trans women had been arrested in Penang, Kuala Lumpur, Malacca, Kedah and Pahang by police and the state religious departments for simply being themselves, between January and May 2016 alone. It shown that, in between January and May 2016, 16 trans women has been detained in Penang, 35 in Kuala Lumpur, 4 in Malacca, 1 in Kedah and 7 in Pahang (Website of JFS, 2016).

In 2017, The Malaysian transgender community and its allies are appalled and disappointed by the decision of the Court of Appeal on 5th January 2017 to retract the High Court order to the National Registration Department (NRD) to change the name, gender marker and last digit of the identification card number of a trans man in his National Registration Identity Card (NRIC). The decision disregards current scientific and medical understanding of gender identity as well as the realities and lived experiences of transgender people. It also displays a wilful ignorance of good practices worldwide with regards to the role of the state in its duty to uphold and protect the rights of transgender persons (Website of JFS, 2017).

In 2018, Justice for Sisters strongly condemns the attacks and harassment of a few Women's Aid Organization (WAO) volunteers by a few individuals for allegedly being LGBT supporters after the Women's March on 10th March 2018. The incident took place in front of the Dang Wangi police station. The attack is another indication of an alarming and escalating trend of intimidation, discrimination and violence based on actual or perceived sexual orientation, gender identity, association with LGBT, liberalism, human rights, among others in

Malaysia recently. They also clearly demonstrate the high level of impunity enjoyed by anti-LGBT groups and persons, and serious lack of sense of repercussion stemming from their acts of violence. The attackers felt entirely protected and justified to verbally and physically intimidate and attack random persons in a public space based on a presumed association with LGBT persons, liberalism and other ideas. A self-produced video of the incident uploaded by the attackers provides very clear evidence of this belief and impunity (Website of JFS, 2018).

Recently, on 10 August 2018, Nisha had discussed the issue of Malaysian transgender with the Dr. mujahid yusof rawa, a director of JAKIM. They had around 40 minutes discussions and made a press conference live which was posted in JAKIM's facebook. The trans itself focuses on the violence and discrimination instead of seeking approval on same sex marriage. A statement made by Mujahid " *Ms. Nisha is not one of the LGBT icons, but she is an activist who concerns to protect trans community and get them proper education, work and life like other citizens*". Nevertheless, he also added that it is as one way to encourage them to work in as sex workers when they received proper education and employment (Astro awani, 2018).

Violence VS Malaysian Contemporary Thoughts

There are many intriguing issues has been raised regarding transgenderism rights. In a survey conducted by JFS from 1989 to 2014 found that 37 out of 76 transwomen had been arrested for cross dressing (Panduan Media, 2015). The 79 transwomen were interviewed between ages of 21 to 50 years old. In interviews conducted in 2010 and 2011, there were many cases reported on violence against transgender specifically in Malaysia. Hence, JFS as one of leading NGOs has intervieweed the Malaysian's transgender on the violence, fear and extremism towards them. In summary, the interview session concluded that they cannot practice the human rights in Malaysia because of non recognition and contradicted with Sharia and civil law.

Human rights acceptance in social living is not easy to achieve for trasngender people even for ordinary people. Some people have conflicting perspectives about trasngender people because they think that trasngender people are doing mistakes and its unusual for their tradition. Many sources of news talk about the discrimination towards trasngender people and show how are the living of being trasngender people in the social life with some life pressures such as being expelled from their original village, not considering as family members anymore, difficulty in getting a job and many more.

As the problems of trasngender people growing become more prominent these days, its make existences of a new group of people which support trasngender movements and also groups which consists of trasngender people. At the regional level, the transgender also suffer hardships in obtaining employment as we are discriminated against by employers on the basis of who they are. Nevertheless, they also claimed that they are facing many type of violences such as in the name of religion, in schools, by medical and mental health professionals, on the streets, cyber bullying, negative influence of religion and by family and friends. Henceforth, the researcher will analyse on how these violence affected the transgender group in Malaysia. On top of that, JFS is emerges as a new social movement in Malaysia in protecting the transgender rights.

Human Rights

The Banned of Seksualiti Merdeka on august 2008 was one of the biggest problem in trasngender issues was when Malaysia's policies stated to banned the festival for LGBT people, gender issues and women's protection. Seksualiti Merdeka was founded by arts programmer Pang Khee Teik and singer-songwriter Jerome Kugan in 2008 and Pang and Jerome have previously been involved in LGBT advocacy. This issue brought up the debate between the pros and cons arguments which came from Malaysian people who strict on Islamic regulations which already implemented by the Malaysian government and other Islam organizations, and the cons

argument came from the UN human rights, UNDP, and the communities which support its festival and LGBT movements.

As well as time passed by, Malaysian government gets forced for being assertive to the banned issue by every element around the world not only from their citizens but also from human rights NGOs, indeed United Nations of Human Rights Council. They have to finish the debate and create the final decision for the annual festival (Seksualiti Merdeka) banned issue to end the high tension atmosphere. Nevertheless, that kind of protest from transgender communities and their supporter to pushed Malaysian pulled out the banned of Seksualiti Merdeka and its events, create more tension in the social environment and provoke protest and demonstrations by Malaysian people who againts with the LGBT movements.

Government and Other Agencies

In a presence day, there are many NGOs who wants to protect the LGBT in Malaysia. They also have many support either locally or internationally. According to Chang Le Wei (2012), Malaysians generally shun the transgender community who are locally known as the Mak Nyahs (Transgender women or male to female transgender individuals) or Pak Nyahs (Transgender men or female to male transgender individual. As can be seen, there are many issues has been raised of concern regarding the transgender itself. The issues have been focusing on the extremism, fear and violence towards them. JFS has written many articles, thoughts regarding the gender segregation in Malaysia itself. JFS also wants to bring the new hope for Malaysian's transgender in order to advocate their rights as a minority group

It has been estimated by IKHLAS (Pink Triangle), a non-governmental organisation in Malaysia which gives HIV/AIDS awareness information to mak nyahs, that there are about 10,000 mak nyahs in the country (Teh, 1998: 169). About 70% to 80% are Malay; the rest are made up of Chinese, Indian and other minority ethnic groups. Malays make up 50.7% of the total population; the Chinese, the Indians and other minority ethnic groups make up 27.5%, 7.8% and 14% respectively (Department of Statistics Malaysia, 1995). Islam is the religion of the Malay population and is the official religion of Malaysia. The majority of mak nyahs are Muslim. (Teh, 2001).

On 21th to 23th October 2015 at Concorde Inn KLIA, JAKIM have came out with 4 cores strategies plan to overcome the social problems on gender confusion. First, they want to increase the commitment and involvement of many authorities to prioritize the family perspectives. Next, to ensure the laws, policies, procedures, enforcements and regulations to prioritise family perspectives, social and community. Nevertheless, to provide and to ensure the program, services and accomodation, social and community are easy accessed. Lastly, to provide the module and implement the research on effectiveness of program to the target group which involved abandone society and high risks (JAKIM, 2015).

Research Methodology

A qualitative research methodology was taken by using document analysis. In this research, the authors have used the NSM theory as to apply into the organization. Glenn (2009) explains that document analysis is a systematic procedure for reviewing or evaluating documents both printed and electronic (computer-based and Internet-transmitted) material. It can be annual reports, press statement, articles from the website. The authors already confirmed with one of JFS activists, Thilaga about the documents written and published by them. Nevertheless, Ihlebæk (2015) also stresses to beware on the xontext and highlighted some important points like when are the documents made, where are the documents made, by whom are the documents made and who are the intended receiver of the documents.

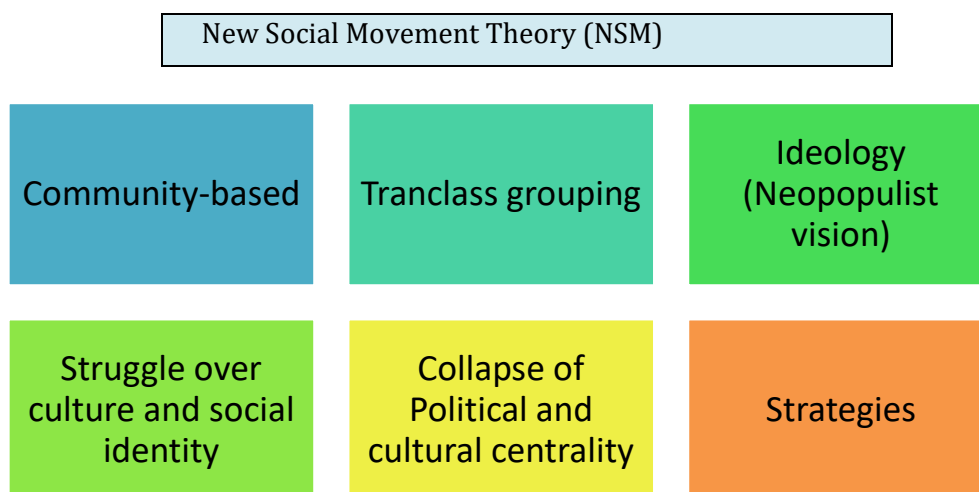
As has been explained, the authors has confirmed with the documents published by JFS throughout pre interview session conducted in Taman Tun Dr. Ismail (TTDI) on 13 July 2018.

For example, in this research, the author analyse the report entitled “ON THE RECORD; Violence against Lesbian, Bisexual Women and Trangender Persons in Malaysia”. In addition, the authors also reconfirmed regarding the press statement made by JFS in their website. In general, the press statement or articles are written by the researcher members and activists of JFS itself.

Glenn (2009) elaborates that document analysis is often used in combination with other qualitative research methods as a means of triangulation; ‘the combination of methodologies in the study of the same phenomenon’ (Denzin, 1970: 291). The qualitative researcher is expected to draw upon multiple (at least two) sources of evidence; that is, to seek convergence and corroboration through the use of different data sources and methods. Apart from documents, such sources include interviews, participant or non-participant observation, and physical artifacts (Yin, 1994).

In conclusion, as a preliminary study, the authors came out with the document analysis from the JFS website. Nevertheless, a pre interview session has been conducted on 13 July 2018 with one of the activists, Thilaga. The authors have make confirmation with Thilaga regarding the statement made by them in the websites, the publications and others. Hence, the document analysis as a research methodology has been accepted.

Theoretical Framework



Theory adapted in Fisher & Kling (2008)

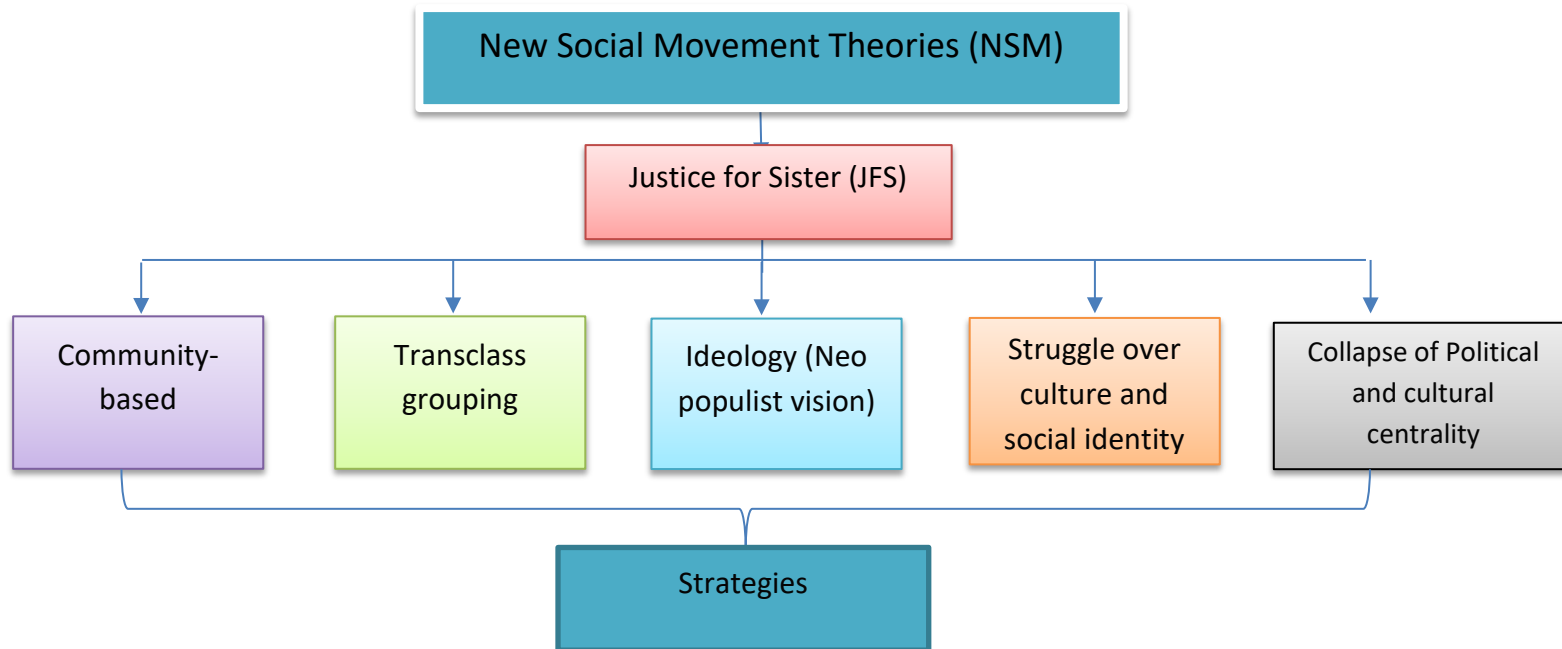
The New Social Movement theory is adapted by Fisher & Kling (2008). Based on that, they came out with six characteristics of the NSM which is replaced the old OSM (Old Social Movement) theory. Generally, the social movement will be on community-based where they are organized because of community interest. Next, the NSM also will also involve tranclass grouping such as LGBT group and activists. After that, the ideology will relate on the neo populist vision which is rejected the hierarchy in the state. Not only that, they also have social interaction in political parties and organizations, the family and personal relationships (Amin, 1990).

On the other hand, the community based organization will face the struggle over culture and social identity. Bronner (1990) has explained that the emergence of NMS was due to reformulate the spirit of resistance in culture such as LGBT rights. For the tranclass grouping, it consists of cultural identities such as LGBT group. The identity itself from the community and culture where people come to construct and understand political life. As for the ideology is a neopopulist vision of democracy which rejects hierarchically based on social interaction in the state, concepts of leadership, political parties and organizations, the family and personal relationships (Amin, 1990). It can be exemplified that the organizational is may be small, loose

but they respond rapidly and intensively and need to change the circumstances (Durning, 1989).

Nevertheless, the NSM also has struggle over culture and social identity. This is because, it has a greater role in community-based movements than in workplace-based. Bronner (1990) has argued that new social movements emerged to reformulate the spirit of resistance in broader cultural terms such as LGBT rights. Gutman (1977) and Thompson (1963) also explain that culture and identity, values, social networks and collective solidarity have been central to all social movement formation. After that, the collapse of the experience of political and cultural centrality because of the polyvocal resistance of oppressed groups such as LGBT group. Lastly, the strategies also focus on the community self-help and empowerment (Gutierrez, 1990; Kieffer, 1984; Rees, 1991). Henceforth, if current widespread proliferation and persistence of community organizing is because of the community problems, efforts must be taken place. For example, LGBT groups propose a new community organization in order to protect the minority rights.

Conceptual Theory



Firstly, the authors will apply NSM on JFS as one of the new social movements that strive on transgender issues. The authors also make a document analysis on the "Media's guide: Tentang Identiti Gender & Individu dan Komuniti Transgender" by JFS which published in August, 2015. First and foremost, JFS is considered as community based because the organisation are based on the current interest which is to overcome the issue of transgenderism in Malaysia. As trans, they claim they have the right to live with dignity like all citizens in Malaysian such as right of identity, the right to self-expression like in their dress and mannerisms, the right to respect for their personal and private life and the right to livelihood. It can be exemplified such as violence in schools and violence by family and friends can be classified as community based. This is because some family and friends would feel so reluctant to accept the trans community especially in Malaysian community.

Secondly, for the tranclass grouping, this research will focus on trans group in Malaysia. The transgender identity, community, culture become the main context which people construct their lives. The arise of NSMT in JFS when transgender itself facing violence on the streets and sexual violence. There are many cases reported that the transgender has been labelled as tranclass grouping and received lots of sexual violence. It can be elaborated that, trans community has been focused as tranclass grouping and people in street and for the sex purposes only.

Thirdly, the ideology is a neopopulist vision of democracy because they reject the hierarchy in the state because it is violence in the name of religion especially Islam. The ideology brings and strives by JFS can be seen as one of the strategies to advocate the transgender rights. The director, activists within the NGO itself play vital role to advocate the trans rights as the ideology based on the democracy and freedom.

Fourthly, the struggle over culture and social identity included the physical violence. It can be illustrated that generally the transgender people will struggle to be themselves over the culture and social identity. The Malaysian culture itself totally rejected those who act like a Mak nyah and a pengkid where some may spurn this group.

Fifthly, the collapse of political and cultural centrality involved violence by medical and mental health professionals. It can be deduced that the transgender feels their rights on Sex Reassignment Surgery (SRS) have been violated. They believe that as a medical and mental health professionals, they must treat their patients fairly. Not only that, many cases reported that the medical and mental health professionals will treat the trans based on their assigned cis-gender. For instance, if a transwoman receive a treatment in the hospital, they will be placed at man's patient room where they feel the threat from the society itself.

Sixthly, the strategies of JFS as a new social movement in advocate the rights of transgender in Malaysia. There are many strategies of JFS in facing the violences; in the name of religion, in school, on the streets, violence by medical and mental health professionals, by family and friends, physical violence and sexual violence. The strategies introduced by JFS in order to advocate the trans rights in Malaysia.

Result and Discussion

The result shown that there are seven violences that faced by the transgender. The emergence of JFS because of the violences faced by transgender group itself. In a report by KRYSS Malaysia (2014) found that, there were seven violences against transgender in Malaysia as follows:

Violence in the name of religion

Prior studies that have noted the application of NMS theory, the researchers claimed it is under the element of ideology (neopopulist vision of democracy). This is because the Islamic religious authorities have arrested many transgender like arbitrarily detained transwomen, stopped them at unauthorized roadblocks, question them with sexual undertones and dressing in gender nonconforming behaviour in public. Nevertheless, based on the interview with thirteen

transwomen, it concluded that they have been arrested by police officers or officer in state level of Islamic departments.

In another occasion, Jaime is a 47 year old Chinese Malaysian. She hopes that her God, Jesus to answer her existence in this world. She claimed that as a staunch catholic, she cannot practice her sexuality desire. Not only that, the church continued rejected her gender identity as transwoman and she felt insecure and self-degradation. In another occasion, Jess a 20 years old transwoman was arrested at a food stall for wearing women's attire and posing as a woman which is criminal under the Islamic law in Malaysia.

The strategy of JFS to harmonise the Yogyakarta principles with national laws, policies and practices by repealing Sections 377A, 377B and 377D of the Penal Code. In addition, they also want to repeal Section 21 of the Minor Offences Act 1955, repealing "*liwat*" (sodomy) and "*musahaqah*" (lesbian) under the syariah criminal offences law and repealing 'male person posing as a woman' or vice versa under the syariah criminal offences laws. Not only that, if a transgender died and facing difficulties on burial rituals where only members of the same assigned gender is allowed to bathe the corpse. JFS may suggest that the corpse do not have to have irreversible surgeries in order to be buried by homogenous gender. This is because the religious belief and culture said that women are not allowed to bathe post-operative transwomen or vice versa. In other words, the trans corpse should be buried and religion is a barrier to ease the process of burial.

Violence in schools

The new social movement is applied when there is a community based involvement. It can be explained when all the government schools in Malaysia are enforce and promote gender stereotypes and conformity. An interviewed was conducted on the transgender where they claimed that "very uneasy in the school uniforms and having to behave a certain way". Not only that, they also could not focus on their studies. Another informant, Lam Cheong, a 51 year old transman was recalled his difficulties while he was a student. He claimed that "*Obviously I was in a girl school. I basically could not really relate to my classmates because I knew that I was like very different because they started talking about girlish things and I just didn't fit in. I was born woman but I certainly did not feel comfortable wearing a skirt or a dress*". (KRYSS, 2014).

After that, Jess a twenty year old transwoman recalled during the school memories. She recalled there are boys in her school who attempting to force her to do oral sex in the school toilet after physical education. When she refused to do so, the boys threatened to beat her. Later on, she reported the case to the school counselor and disciplinary teacher. Next informan was Aminah, she was a 30 years old malay transwoman. She was in all-boys boarding school, Aminah recounted that:

"I was beaten up by a group of seniors when I was 13, for saying that one of the seniors was hot... So, I told him (my friend) that like, "I totally like that senior" because I thought he's hot". So, he rounded up some of his seniors and confronted me and make me confess that I had said something like that and then they beat me up, for saying that I like a boy. (KRYSS, 2014).

The strategy of JFS to immediately stop all LBT corrective programs in schools, to establish policies to prevent programs that promote negative stereotypes of and discrimination against LBT persons and to prohibit programs that will be damaging to the development of LBT children. JFS stated that many transgender students forced to dress in clothes that not matched their gender identities. It could be possible that they can wear the clothes that comfort with their gender identities. A boyish can have a short hair and wear like a male student whereas a girlish can have a long hair and wear like a female students.

Violence by medical and mental health professionals

The collapse of political and cultural centrality happened when the medical and mental health professionals not professional in dealing with transgender in Malaysia. In a research conducted by JFS in 2011, they found that nearly 30 informants for this research generally avoided seeking health care unless they have a trusted doctor. Nevertheless, two transwomen were reported being stared at and verbally insulted by nurses and attendants during a routine health check-up at a hospital.

For instance, Gia is a post-operative transwoman who completed her sex reassignment surgery (SRS) in early 2000 in Thailand. In order to change her name on her identification card to match her reassigned gender, Gia was required to provide a letter from a gynaecologist working at a government hospital that confirmed the requisite surgeries. The first doctor she met in the Kuala Lumpur General Hospital was a Malay doctor who refused to certify her document because he believed the hospital and the Malaysian government do not recognise SRS. On top of that, Gia felt that the doctor refused to help her because it is considered sinful (according to Muslim beliefs). Later, Gia managed to find another doctor who was Chinese (non-Muslim) who agreed to certify that she had undergone SRS. Lastly, she was able to get her name changed on her national identification card by the National Registration Department. However, they would only change Gia's name and her gender remains "male" on her identification card.

The strategy of JFS is by lifting the ban on sex reassignment surgery and reintroduce sex reassignment surgery services. It is included an official pre and post-operative counselling in hospital as per the law prior to 1983. Not only that, home health remedies were one way that many transgender persons avoided dealing with medical institutions that were unfriendly and abusive. They also suggested having options for alternative medicine and self-medication for non-life threatening health issues. On top of that, many had to find creative and healthy outlets for their frustration and pain.

Violence on the streets

The interview shown in the report that twenty six out of forty five had experienced of verbal violence by strangers in public places. Nevertheless, this trans group also has been demeaning using words such as *pondan*, *bapok*, *ombote*, *dyke*, goddamn lesbian, tomboy and *pengkid* and howling sounds like "au". The sound of "au" made by the people to imply the sissy behavioural. In December 2010, one of transwomen sex workers from mainland Penang was facing a physical violence. She was insulting by throwing fruits peel or even bags of urine or faeces. Moreover, the relationships between two women or between a gender variant person as an affront to the dominant patriarchal and heterosexist culture in Malaysia. These verbal attacks can be explained as transclass grouping to indicate anger and disappointment by men towards transwomen. Some transwomen have been told by men to stop pretending or "You are a man" but you want to be a pondan.

Apart from that, the transgender in Malaysia has been targeted as those who been attacked in public spheres like a street. In the 1990s, Padang Kota in Penang and Dataran Merdeka were two places transwomen hung out which turned into places for the general public to come and let out their anger or express ultra-violence towards transwomen. An interview conducted in June 2011 claimed that Regina, a transwoman from Penang talked about her transwoman friend. Her friend being surrounded by a group of men were demanding of sexual services. Whereas, Sameera a transwoman from Kuala Lumpur also recalled her transwoman friends being beaten up, pulled into stranger's cars and forced to have sex with unknown men in the perpetrator's cars. In addition, Sameera herself had stones thrown at her and her friends by strangers in passing cars.

The strategy of JFS to have consistent and meaningful dialogues with transgender rights groups and relevant stakeholders before developing policies and laws concerning transgender

persons. Nevertheless, JFS also needs to create awareness towards Malaysian societies regarding the visibility of trans community. It can diminish the number of trans people who will be beaten as they have been labelled as people in street.

Violence by Family and Friends

Malay transwomen reported physical and verbal violence by family members and friends. The interviewees also reported that they did not want to humiliate their family members by being themselves. They also said that they dress modestly or wear unisex clothes when they visit their parents. There are many violence by family and friends towards the transgender. An interview with Jason, a 22-year-old transman said that when his sister found out about his gender identity, she found him a mental health counsellor to cure him from this so called "disease". Apart from that, all the mental health professionals or religious leaders who were suggested by family members were friends of the family or someone that their parents knew. This is because, the family members and friends play a crucial role on keeping their children's sexual orientation and gender identity. Nevertheless, they are grouped as a community based because they want to correct and do correction towards their children's sexual orientation and/or gender identity.

When it comes to non conformity sexual orientation or gender identity, family members and friends would play their vital roles as community based. To an extent, these actions of "correction" of the transgender because encouragement by authority like religious officer, religious teacher (ustaz and ustazah). Nonetheless, and interview conducted with Shirley, a transwoman who shared her family's story:

"My father is like-quite famous in that area, kampong (village), so a lot of people there talked about me, like "Why are you so soft?".....so a lot of people give more pressure to my parents when they hear all these questions." (KRYSS, 2014).

The strategy of JFS to treat all people of diverse sexual orientation, gender identity and gender expression as equals and with respect and dignity. To expand the understanding of gender to include people of diverse sexual orientations and gender identity . In article 8 of the Federal Constitution of Malaysia to include "sexual orientation" and "gender identity" by prohibiting any discrimination based on sexual orientation" and "gender identity.

Physical Violence

The struggle over culture and social identity in Malaysia will effect on transgender people to be either transman or transwoman. Difficulties arise; however, when an attempt is made to practice their rights as human beings, they will suffer physical violence. For example, nine interviewees stated that they have been beaten up and confined or imprisoned by their family members. This physical violence has revealed several factors that was triggered like in female attire, discovery of personal belonging such as erotic videos in their personal spaces and others. In a case of Florence, a 35-year -old Malay transwoman informed that her brother was an army commander. As Florence explained that:

"My brother used to hit me in the beginning. My brother took my dad's handcuffs. He hit me and then he handcuffed me, shaved my head and handcuffed me to an electric pole in Padang Kota (a famous place in Penang where the transwomen and sex worker used to hang out). He also kicked my friends." (KRYSS, 2014).

In another occasion, Ima, a 30-year old transwoman from Penang told us that her father beat her up and imprisoned her in the house because he did not like her interacting with neighbours and friends. She said that:

"My dad has hit me before. I can't accept him, like I said earlier, I won't be able to accept him even in the afterlife and he is my biological father. I cannot accept him for what he has done to me. When someone makes a mistake....he doesn't investigate, he just hits. I ran away to my mother's place but my dad imprisoned me. Like, he didn't allow me to interact with other people, like he

would make me stay at home. I felt disappointed. Why do you have to imprison me in the house? I feltI don't even have the time to interact with my own siblings". (KRYSS, 2014).

The strategy of JFS to legally recognize transgender persons, both pre-operative and post-operative, as a legitimate identity by allowing transgender persons to change their names, genders and digits in their identification cards and all legal documents to match the reassigned gender.

Sexual Violence

Some the Malaysian societies itself has the mind set about the transclass group regarding their sexualities or being slave for the sex only. In an interview conducted, thirteen transgender had been sexually abused by both known and unknown perpetrators such as family members, intimate partners, strangers, friends, acquaintances and state actors (like police officer). The sexual violence included lewd gestures, touching the breasts/chest, being forced to stroke the perpetrator's genital and being forced to re-enact sexual activities to the perpetrator. An interview with Aminah, Mas a transwoman sex worker from Perak in her thirties described being raped as the worst experience in her life. Mas shared that after the rape, she bled and she cried because she could not bear the pain. She internalised the violence for many years even justifying the rape by telling herself that was a bad luck. She also had to accept what happened because 'that is what you get for being a girl when god made you a boy'.

A transman, Fred who is in his twenties reported that men and women molested them and touched them in the chest area to satisfy their curiosity about his gender. Fred confronted those who touched him, and they admitted that their intentions of doing it were to confirm Fred's gender. Some perpetrators use sexual violence as a corrective tool to "change back" the sexual orientation and gender identity"

The strategy of JFS to ensure that the trans itself receive a proper healthcare in order to flee them from sexual violences and abuses. Ms. Nisha has been the founder of SEED foundation and officially registered in 2014. It can be seen that those trans who have been abused sexually may receive a proper healthcare, consultations and others. The SEED foundation is a group of dedicated social workers with more than 30 years accumulative experience in managing the issues of the marginalized communities (Homeless, People Living and affected with HIV and Transgender), established SEED, aiming to develop the skills and capacity of the key affected populations for better sustainable life.

Conclusion

There are many cases reported by transgender community in Malaysia. The arise of JFS as a new social movement to protect and advocate the rights of transgender. It can be explained that, the arise of JFS because of community based, transclass grouping, ideology, struggle over culture and social identity and collapse of political and cultural centrality. Based on the report of JFS towards the interview conducted summarised that the violence occurred such as violence in the name of religion, Violence in schools, Violence by medical and mental health professionals, Violence on the streets, Violence by Family and Friends, Physical Violence and sexual violence.

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