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# Never a better time to be a trans ally

By Zurairi AR

**K**UALA LUMPUR — “Where I was detained, the officers insulted me by calling me *pondan*, threatened to take me home so that my parents can see me in my women’s clothing, and embarrassed in public by telling me *Nabi tak mengaku umat* (the Prophet would not accept you as his own kind)”

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“Three motorcycles with a passenger each approached me. I recognised one of them. One of them instantly examined if I was wearing a bra.”

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“After I was detained, I was asked many questions that were insulting and hurtful such as, ‘Why are you like this?’, ‘Why not be a man?’, and ‘Why don’t you change?’. I was insulted and accused of ‘pretending to be a woman’.”

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These are just three anecdotes from the three Muslim transgender women in Negri Sembilan who filed for a constitutional review of Section 66 in the state’s Shariah Criminal Law Enactment 1992.

The Court of Appeal heard arguments from the appellants on Thursday, and they will continue to hear the respondents’ replies on July 17.

Section 66 states that “any male person who, in any public place wears a woman’s attire or poses as a woman shall be guilty of an offence”, and they can be fined not more than RM1,000, jailed for not more than six months, or both.

By now perhaps you realise how ambiguous the law is. After all, what constitutes “a woman’s attire” and “a woman’s pose”?

Are tank tops feminine? How about skinny jeans? The fact is, the line between men’s and women’s fashion is blurring, but it does not matter anyway, because one can easily be said to commit an offence just by stepping out of her house wearing some clothes.

With the bold move of the transwomen, aided by rights group Justice for Sisters, many are sure to accuse the Muslim transgendered for trying to challenge the position of Islam in the country.

Surely this has nothing to do with religion. After all, state enactments — whether religious or not — are passed by the state assembly, itself a secular body, as pointed out by the Bar Council in court.

Even the laws governing “cross-dressing” in each state’s Shariah law differ. The fines range from RM1,000 to RM5,000, and jail times from six months to three years.

The fact is, the supreme law in Malaysia — the Federal Constitution — already has provisions guaranteeing freedom of expression, right to privacy and liberty, freedom of movement, and it protects them from discrimination on the grounds of gender. Section 66 violates that.

What was disturbing was that the Seremban High Court had earlier denied the transwomen their constitutional rights, claiming that they are still subject to the enactment because they are Muslims. In short, if you are Muslim, you must submit to some laws, even when they obviously encroach on your personal rights.

This is just one example, where state laws — mostly religion-related — are slowly usurping federal civil laws, and even the Constitution itself. And this is being aided by the state itself. Should nobody speak up against this, we will see more and more of our rights being eroded in the name of religion.

The court was also told, that one of the supposed reasonings behind Section 66 is to prevent homosexuality and the spread of AIDS.

Which brings us to the misconception that most of us have about the transgender community. Unlike what most think, transgenderism is all about gender identity, and has nothing to do with sexual preference.

Trans persons are not men trying, acting, or dressing up to be women, nor vice versa. They are simply those who were born anatomically male, but associate themselves with the female identity (and vice versa).

This has been recognised as a medical condition called “gender dysphoria” which means that it is not just play-acting or confusion, but has the connotation that it is an “illness” that it can be cured. No, it cannot, not really.

It is this ignorance that makes most Malaysians fear the trans community, and with fear comes hatred. It is no secret that the community is being marginalised, out of place even in their own country.

But we were not always like this. The community has been around for ages, not only worldwide but even in Malaysia. We even have a popular name for

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them: “mak nyah” (which I just found out is not derogatory or offensive at all).

They have been around even during ancient Malay times, allegedly even during the pre-Islamic times. We have been employing them as “mak andam” (bridal makeup artists), and they used to be visible in our entertainment industry.

As time went by, we started to push them further and further away towards the fringe of society.

It was a dark spot in our history when one transwoman in Kuala Terengganu, Aleesha Farhana, died after her application to change her name on her identity card was rejected. She was 25.

But now, many are cautious but still optimistic over the judicial review, which if successful will

set a landmark precedent to fight against the trampling of rights, not just against the trans community but all of Malaysians.

The trans community are making their voices heard and it took nothing short of bravery to do that. There is no need to be a part of their community, just enough to be their ally. And there is no better time to do that than now. — Malay Mail Online

**Zurairi AR is a humanist and sceptic who believes in doing good for goodness' sake. He tweets for believers and non-believers alike at @zurairi.**

**“We have been employing them as “mak andam” (bridal makeup artists), and they used to be visible in our entertainment industry.”**



**Nisha Ayub (centre) and other supporters of Justice for Sisters outside the Court of Appeal in Seremban on May 22. Three Muslim transgender women, aided by Justice for Sisters, had filed for a constitutional review of Section 66 in the state's Shariah Criminal Law Enactment 1992. .**  
— Picture by Saw Siow Feng