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Gender and Human Rights Education

“Sexual orientation and gender identity are integral to every person’s identity and humanity and must not be the basis for discrimination or abuse.” (The Yogyakarta Principles, 2007)

The Wergeland Centre’s “state of the art project” in the area of EDC, ICE and human rights education offers a welcomed space for academics, practitioners and pedagogues to exchange and reflect. I am grateful for the invitation to contribute to this project with some reflections on gender and human rights education.

Human Rights are those rights we possess solely on the basis of being human. They should neither be bound to a certain status or certain roles that we play in society nor to restricted concepts of sex and gender. To the contrary, human rights promote the freedom of each and every individual to live and love and identify with sex and gender in a way that respects the dignity of one’s self as well as the equality in dignity with everybody else. Through this, human rights form the basis for expression of uniqueness of every human being, which shall be respected in guaranteeing equal rights. Moreover, human rights encompass a pluralistic vision of society, which allow freedom and self-determination of every individual - as long as it does not interfere or violate someone else’s right.

This article focuses on issues of gender identity and sexual self-determination, taking into account recent developments in the international human rights system in particular the *Yogyakarta Principles* on the application of international human rights law in relation to gender identity and sexual orientation. Although sex and gender played a vital role in the continuous development of human rights for more than forty years, discrimination and human rights violations continue all over the world and, people are subject to discrimination and human rights violations due to their actual or perceived gender identity or sexual orientation. This includes discrimination, exclusion, ignorance or hate speech but also gross human rights violations like targeted rape, murder, torture or the death penalty. In the first place, this calls on state actors and international organisations for the realization of human rights through effective political and legal mechanisms. But equally important is education on sex and gender based on a human rights approach.

Why Gender? What Gender?

The struggles against violence and discrimination based on sex and gender have a long history. First of all, the early women rights movements offer valuable inputs for human rights education. Educators may choose, for example, relevant biographies or early women rights documents like the *Declaration of the Rights of Woman and the Female Citizen*, written by Olympe de Gouges in 1791 or, the Suffragette Movement of the late 19th and early 20th century for women’s right to vote. Since the declaration of the *Universal Declaration of Human Rights* (1948), the prohibition of discrimination based on sex and gender is part and parcel of almost every human rights document of the United Nations, the Council of Europe and the European Union. However, it must be admitted that the consciousness about how sex and gender are interlinked only grew stronger in recent years.

While “sex” refers to biological and physiological characteristics of a person, the concept of “gender” highlights the social dimension, including behaviours, attributes or activities that society considers appropriate for girls and boys, women and men. Human rights are equality rights and cover the notion of sex as well as gender. Both categories do not always match and they are far from being as clear as most people tend to think. Issues of sex and gender are

often associated with feminism and the women rights movements and, indeed these areas were - and still are - important fields of human rights work. But today, a wide range of different issues and interests is embedded in the concept of gender. In the following, this article goes beyond the usual scope of gender equality between women and men or boys and girls. Hereby, gender is understood as an open concept, concerning individuals who are protected in their human rights with their multitude of ways to love, to live and to identify with sex and gender.

Linking gender and human rights education opens up a wide thematic universe. Gender matters - in society as well as in education. Gender infuses almost every aspect of life. But what are the factors identifying one's sex and gender: genes and hormones, the primary or secondary sex organs? Is it the way we dress or walk, the way we are educated or whom we desire? In any way, it is a fact that for all these notions society imposes strict sex and gender norms on us which determine the way we are legally and socially included or excluded. When a child is born - or still in the mother's womb - one of the first questions to be asked is: "boy or girl?" We are asked to qualify as female or male on our birth certificates, school or job applications, identity documents or voter registrations etc. But for many people, the norms of sex and gender simply do not fit. They are excluded and violated in their human rights, starting from the legal misconception. The following quote of Stephen Whittle, an advocate and activist for transsexual rights, shall serve as an example to demonstrate what people face who cannot (and should not be forced to) adjust to the strict legal and normative frameworks of sex and gender:

„The Problem of who I legally am in the world in which I live has been vexatious throughout my adult life. Like other transsexual people I face an inadequate legal framework in which to exist. (...) We are simply 'not' within a world that only permits two sexes, only allows two forms of gender role, identity or expression. Always falling outside of the 'norm', our lives become less, our humanity is questioned, and our oppression is legitimised." (Stephen Whittle 2002: 1)

It is due to this background, that human rights education must play a vital role in promoting a human rights based approach to issues of gender identity and sexual orientation. The human right to sexual self-determination includes fundamental and integral aspects of identity, namely of *who we are*, with respect to our gender identity, and *how we live and love*, with respect to our sexual orientation/identity (e.g. homo- or heterosexuality). Therefore, as human rights educators, one always have to keep in mind how sensitive and sometimes difficult it is to address these issues as they encompass intimate aspects of our sense of self, our sexuality and our sense of belonging to the communities and societies we live in. There are already a number of handbooks and resources available to address issues of sex and gender like "Gender Matters" - a manual for human rights education with young people by the Council of Europe (2007). The manual is a resource to promote gender awareness and provides material to address fundamental questions like (see page 16):

- In what ways are sex and gender key factors for the distribution of power and the enjoyment of human rights that some people do and other people do not have access to? How does this affect progress towards equality in our societies?
- How do we express our "gendered selves" - consciously and unconsciously?
- How are we perceived according to existing norms and categories of "female" and "male" and, do these categories do justice to how complex our gender identities and sexual orientations really are?
- What are the consequences for individuals and groups who do not fit into these restricted categories? What needs to be done to ensure equality and freedom without any distinction based on restricted sex and gender norms?

The Yogyakarta Principles - A Valuable Source for Gender in Human Rights Education

Since 2006, a valuable framework document exists to address gender identity and sexual orientation on the basis of human rights. For the first time, and in response to well-documented patterns of violations and abuse, a group of international human rights experts from diverse regions and backgrounds met in Yogyakarta, Indonesia, to outline a set of international principles: the Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity. They are “a universal guide to human rights which affirm binding international legal standards with which all States must comply. They promise a different future where all people born free and equal in dignity and rights can fulfil that precious birth-right” (see: <http://www.yogyakartaprinciples.org/>). Michael O’Flaherty and John Fisher (2008), who are both closely linked to the development of the Yogyakarta Principles explain in a groundbreaking article why these principles are needed (only a few examples shall be extracted here; see pp 208-214):

- At least seven countries maintain the death penalty, and more than 80 countries maintain laws that make same-sex consensual relations between adults a criminal offence.
- International human rights organisations continuously document serious patterns of police misconduct directed against individuals because of their sexual orientation or gender identity, including the selective enforcement of laws, sexual, physical and/or verbal abuse.
- Lesbian, gay and transgender people are often subjected to violence in order to “punish” them for transgressing gender barriers or for challenging conceptions of gender roles. They are especially vulnerable at a younger age.
- Lesbian women often face discrimination and violence directed against their sex which is inseparable from violations directed against them because of their sexual orientation.
- Intersexual people are amongst the most vulnerable groups. Many have been subjected to involuntary surgeries in an attempt to ‘correct’ their genitals. Their concerns begin to get visible.

The Yogyakarta Principles as well as accompanying documents (see for example the activist’s guide) show the need to promote gender awareness and equality free of gender restrictions. Human rights education can support the public presentation and discussion of these principles. Moreover, it can play a leading role in equipping educators with the knowledge, the consciousness and the competences to teach and learn in a human rights based approach to gender identity and sexual orientation. The basic assumption of this perception of the human right to equality and sexual self-determination gives respect to the fact that these rights are not special or exceptional in any way: They are just the “normal”, universal human rights, everybody is entitled to, applied to the specific concerns of those who still find themselves excluded. It is a noble and indispensable task for human rights education to serve as an instrument for empowerment of those who are in need to gain access to the fulfillment of human rights, and to raise awareness in those who still hold on to sex and gender norms that violate and ignore the very existence of people and their plurality of expressing sex and gender in their self-determined ways.

References

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Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity; see: <http://www.yogyakartaprinciples.org/>

Association of Intersexual People (Verein intersexueller Menschen e.V.) / XY-Women: Shadow Report to the 6th National Report of the Federal Republic of Germany on the United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), 2008, see: <http://www2.ohchr.org/english/bodies/cedaw/cedaws43.htm>

Whittle, Stephen: Respect and Equality. Transsexual and transgender rights. London (Cavendish Publishing Limited) 2002

Amnesty International (USA): Breaking the Silence: Human Rights Violations Based on Sexual Orientation. Amnesty International Publications 1994

Web Resources

International Lesbian, Gay, Bisexual, Trans and Intersex Association
www.ilga.org

An Activist's Guide to The Yogyakarta Principles: see:
http://ypinaction.org/files/02/85/Activists_Guide_English_nov_14_2010.pdf

Council of Europe: Gender Matters – A Manual on addressing gender-based violence with young people (2007, Directorate of Youth and Sport, European Youth Centre Budapest:
<http://eycb.coe.int/gendermatters/>