

GENDER IDENTITY DISCRIMINATION

**Gender Reassignment or Gender Identity
– who deserves protection?**

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Gender is:

- ◉ Not Sex biology
- ◉ Not Sexual orientation
- ◉ Not Sexual practice

Core identity feature

- ◉ Assignment
- ◉ Role
- ◉ Attribution
- ◉ Identity

The Transgender Umbrella

Transgender

An all encompassing or umbrella term for people whose anatomies and/or appearances do not conform to predominant gender roles. They have physical and/or behavioral characteristics that readily identify them as having a non-conforming gender identity. Can be someone of any sexual orientation.

Transexual

Born into one gender but identify psychologically and emotionally as the other. May be transitioning - MtoF or FtoM. May experience Gender Dysphoria.

Crossdressers

Comfortable with their physical gender at birth, but will occasionally dress and take on the mannerisms of the opposite gender. Often heterosexual men.

Intersex

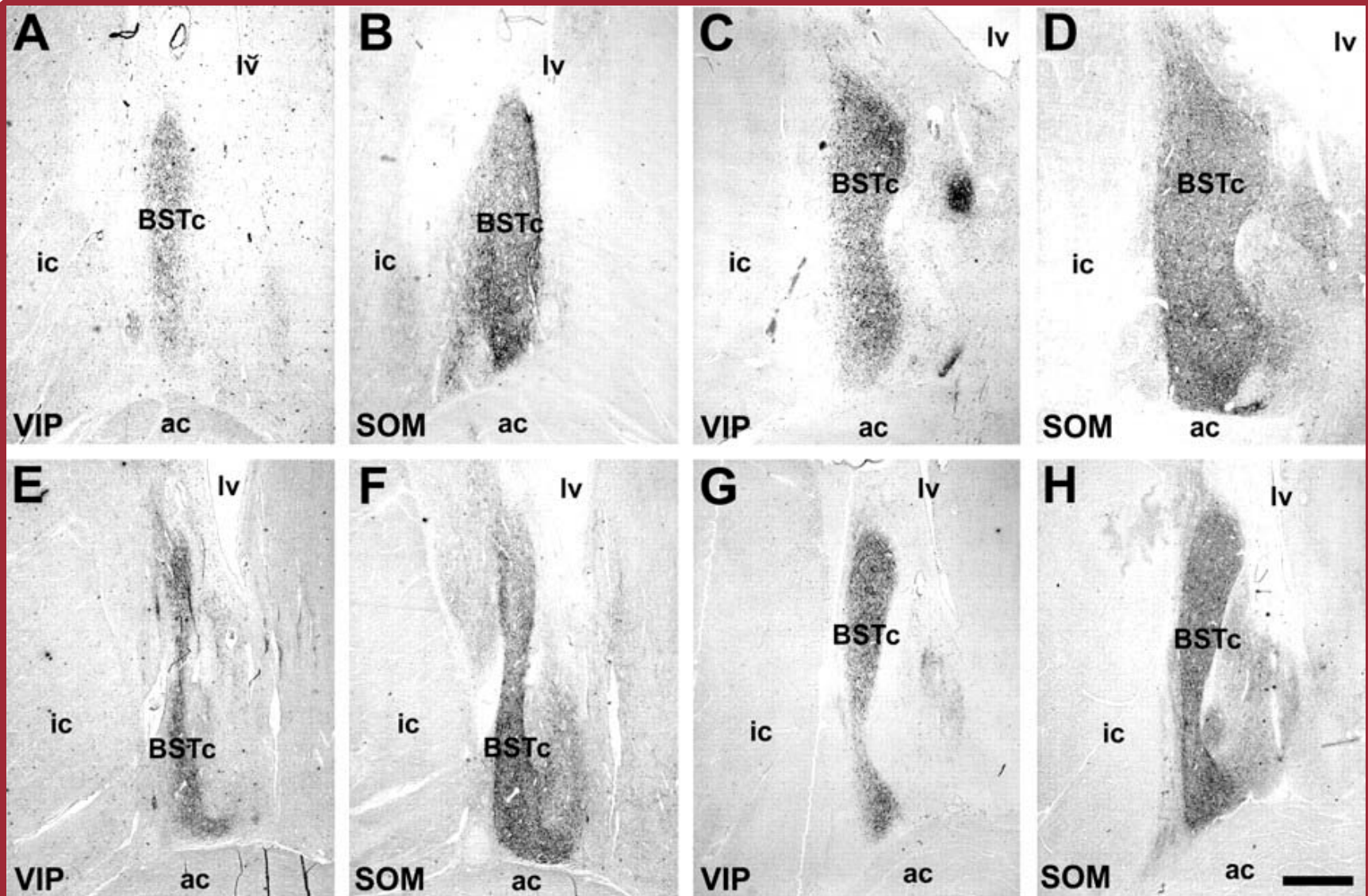
People born exhibiting some combination of both male and female genitalia. At birth, the attending physician or parents or both "choose" which gender to raise the child, necessitating surgery and/or hormonal treatment.

Performers

Dress and act like the "opposite" sex for entertainment. For them, drag is a job or play, it is not an identity. Some are gay - some are not. Some identify as transgendered - most do not.

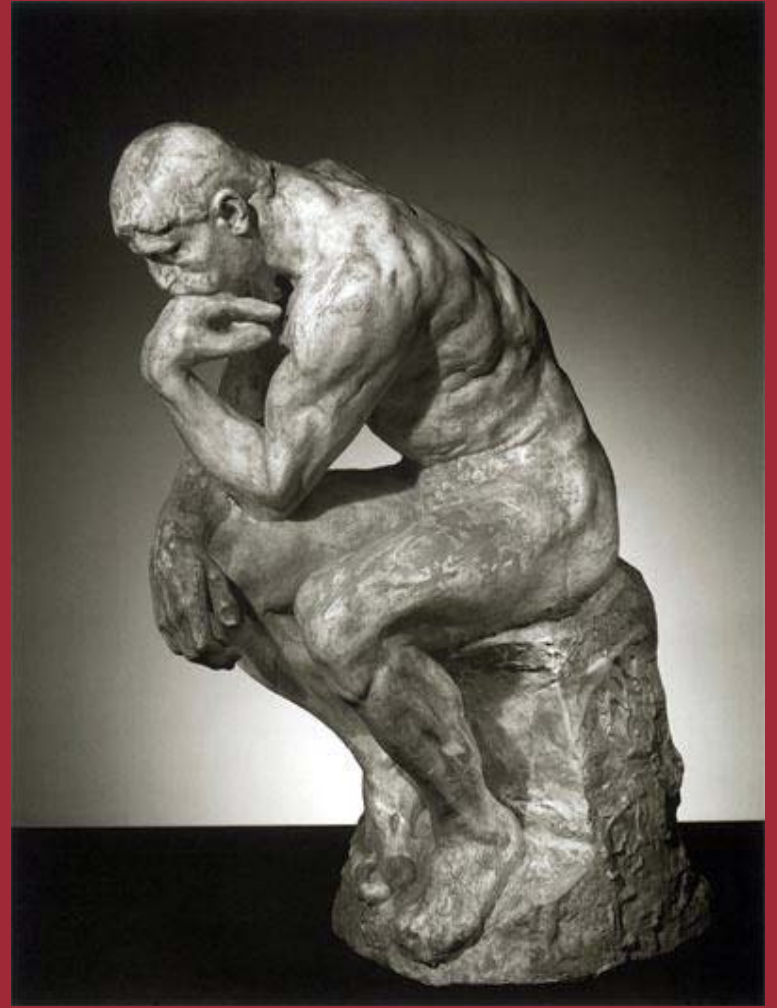
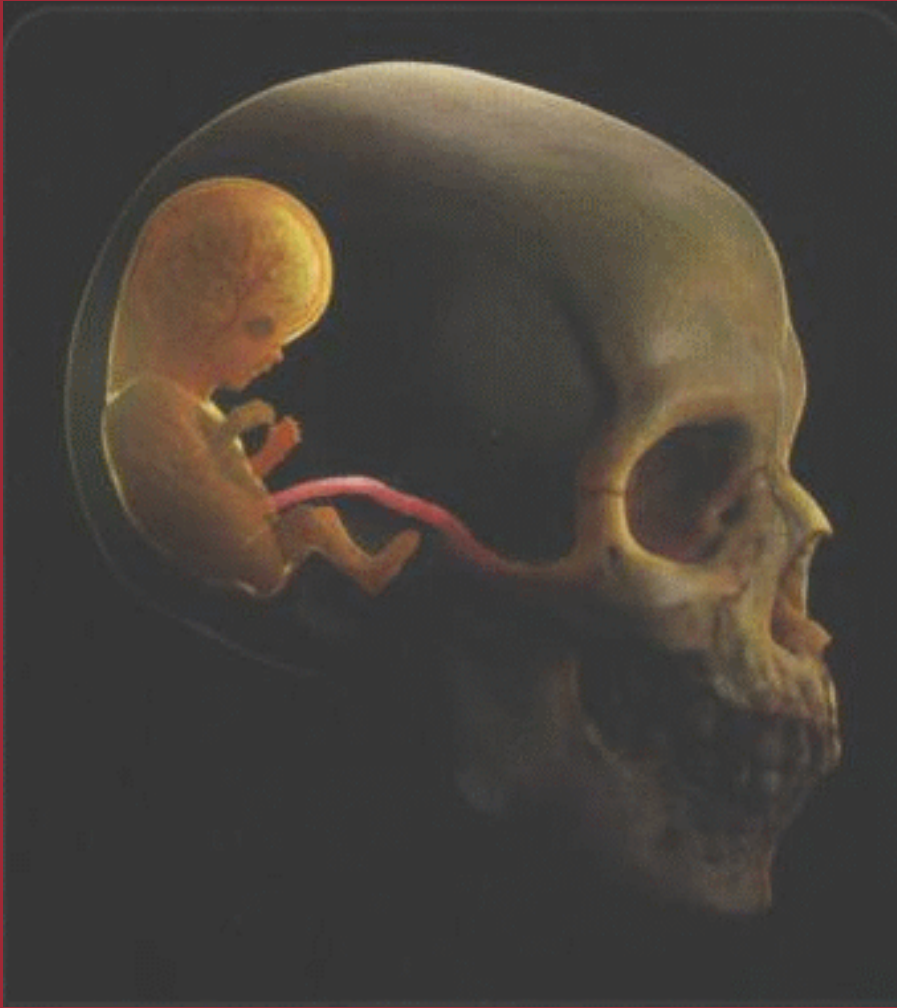
Gender Benders/Androgynes

Do not easily fit into the above categories as they may be constraining. May have a mix of male and female characteristics. Masculine - "butch" lesbians, effeminate men - "queens" and many gender expressions in between.



A, B – Male aged 14; C, D – Male aged 32
 E, F – Female age 14; G, H – Female age 32

Cogito Ergo Sum



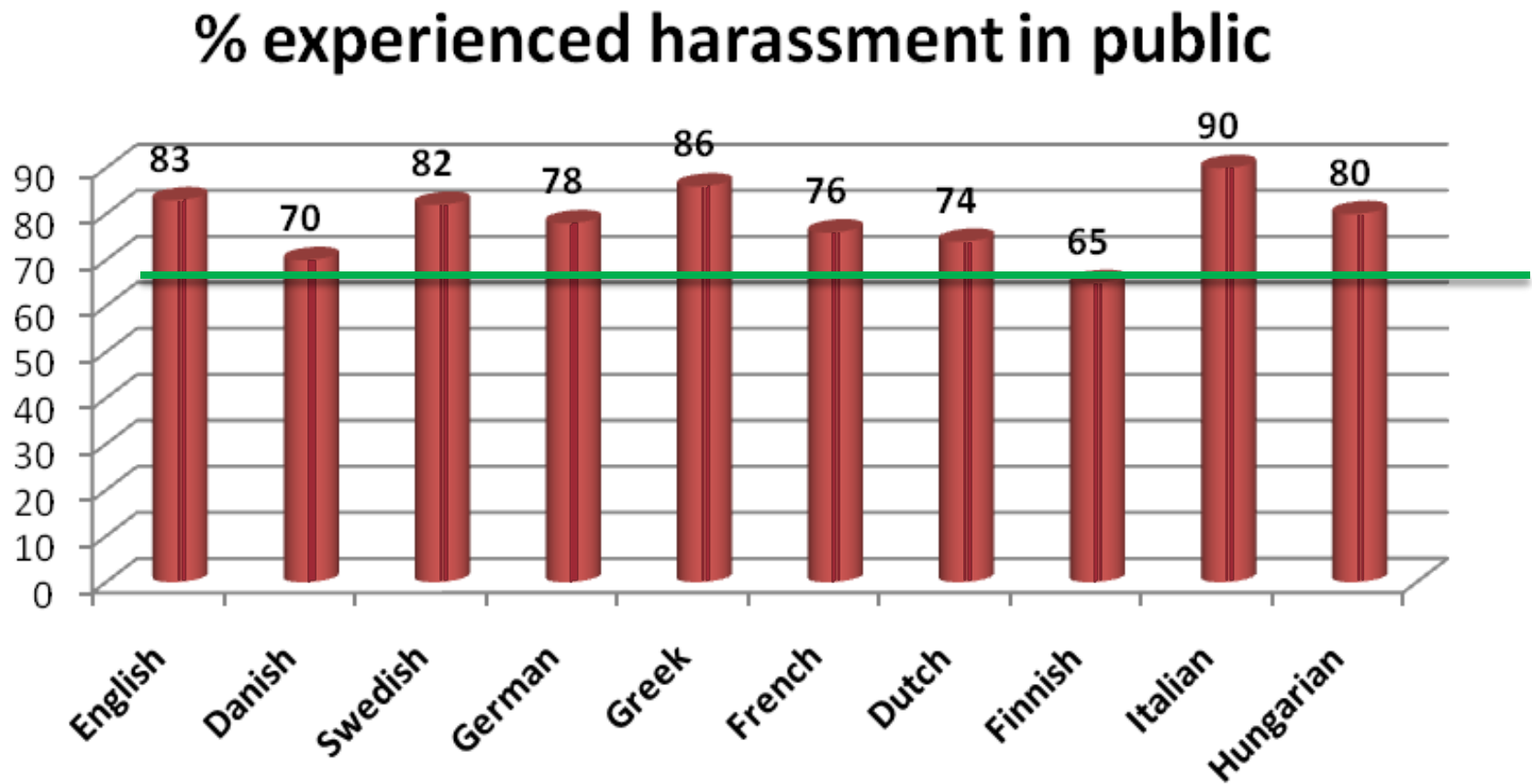
Goodwin v UK Govt 2003

- ◉ **“cannot be suggested ...there is anything arbitrary or capricious in the decision ... to undergo gender reassignment ...**
- ◉ **the basis upon which a person makes the decision... is irrelevant ...**
- ◉ **, the ongoing scientific and medical debate as to the exact causes of the condition is of diminished relevance**

P v S & Cornwall County Council (1996)

- ◉ "intend(s) to undergo, or has undergone, gender reassignment."
- ◉ Restricts protection to
 - a minority of the Trans community

**Figure 1: Harassment experienced by Trans people
in public spaces, in Europe**



Goodwin para. 90

- ⦿ “the very essence of the Convention is respect for human dignity and human freedom.
- ⦿ Under Article 8 ... **protection is given to... the right to establish details of their identity as individual human beings.”**



Yogyakarta Principles

- “gender identity is understood to refer to
 - **each person’s deeply felt internal and individual experience of gender,**
 - which may or may not correspond with the sex assigned at birth,
 - including the personal sense of the body
 - (which may involve, if freely chosen, modification of bodily appearance)

