

SSOGIE for HREA

Who am I?

I am vreer Verkerke and I am a transgender and intersex rights activist with experience in the fight for women's rights, feminism, gay rights and many intersections thereof. I do not identify by any standard gender identity or sexuality and therefor affiliate with queer.

I have a background in religion studies and library science. Nowadays I work as a gender educator and human rights advocate for LGBTI people.

Many will consider my explanations political. That may be so, but when people say "political" they oftentimes mean to say "I disagree with your explanation" without having to explain their own position.

2. (slide #2 i.e.)

Why do we have a webinar on the issue of human rights with regard to issues of sex, gender and sexuality?

Because apparently in this world there is no country where there is a female or feminist state policy and where misogyny is fairly absent. The UN women's rights treaty CEDAW may be the most ratified treaty, it also has the most reservations. So many states still have problems with one of more facets of women's rights. Also the so-called core group of countries that plead for women's and LGBTI rights still knows quite some discrimination and inequality.

3.

And why then talk about SSOGIE?

I explicitly use SSOGIE and not - or hardly - LGBTI. Pronouncing SOGI or SSOGIE has not a clear audible difference if you don't spell it. Some explanation is needed of this for most of you new acronym.

The community of people working with human rights for people with a "deviant" sexuality or gender is a global one. And what in many parts is called "gay" or "trans" is not the same everywhere. In several parts of the world men have sex with each other but do not call themselves "gay". They just have sex and relationships with each other. And the South Asian "hijras" and "aravani" may cross standard gender norms, but do not call themselves trans. However in both cases the sexual orientation and gender identity are different than mainstream society expects. So calling it "gay" or "trans" is not always correct. So we better use SOGI, Sexual Orientation and Gender Identity.

Also: intersex is only in some cases is considered as an identity, a bodily identity, not a gender identity. But when talking about rights, it is not only about intersex. It is about sex, because women and men also get discriminated or treated unequal because of their sex.

So much now for Sex and Sexual Orientation and Gender Identity. That leaves us with Gender Expression.

Gender Expression has to do with how you express you gender identity. How you show that you identify as man, woman, trans, something completely different ... because bodies nor identities are restricted to two. There have always been more ways of living with a body and more ways of expressing one's self. These things are very much bound to time, place, and culture.

In general gender expression is the whole of cues that a person gives about how they want to be seen: mannerisms, clothing, makeup, hairstyle, behavior, and so on.

Someone's gender expression gives away how they experience themselves and how they want to be seen by others. It may say things about their body, but may at the same time indicate a social idea. In many cases feminine identifying people are expected to have breasts. So not showing you have breasts, be they real or prosthetic, is a cue of your femininity. We are so used to only thinking in men and women that it is complicated to not compare other genders to male and female. But this is not because of a biological truth, but more because of a social and discursive truth. We have learnt to perceive people in those ways, we have learnt there is only male and female. At the same time we all have seen people of whom we ask ourselves "is that a man or a woman?" The answer may also be "no, they are different."

Now we defined this, we can continue

4.

I go a long way to explain what is SSOGIE. But there also is the acronym, the abbreviation LGBTI. Why not use that? It needs way less explanation. Or does it?

Actually LGBTI is a quite political acronym with lots of hidden fights. One problem with using "LGBTI" is the eternal discussion on who belongs in the acronym and who maybe should be added. Letters getting added without the representatives agreeing on it.

In the beginning it was only lesbian and gay. Later on the bisexuals were included, although not much attention has been paid to their presence. They are actually 'forgotten' because they make the gays and lesbians feel uncomfortable. It is not logical for all letters to be included.

Later on the T for Transgender got added. Because they are quite vocal ("the T is not silent") they more or less have gotten their place in the acronym LGBTI.

Intersex is a new player in the field. The rights issues exist already longer, but they appeared only recently on the scene as an organized player. And not all of the intersex movement agrees on being part of the LGBT acronym and movement.

Also there is the complaint of "Alphabet soup" because of the ever agglutinated letters.

While there is still discussion if the T and the I belong there - LGBT is more about sexuality, while T and I are more about gender and sex.

5.

Traditionally a four letter SOGI acronym is in use, for sexual orientation and gender identity. This works rather well in indicating where the best known issues lie: in sexual orientation and gender identity. Sexual orientation (that mostly stands for non-heterosexuality) is the topic of improvements for already a longer time. Gender identity gets mentioned in the most recent documents, such as the High Commissioner's paper on human rights and SOGI.

In Council of Europe documents nowadays, even in the EU, gender expression sometimes gets mentioned. Thanks to ILGA Europe and TGEU the issue gets more and more attention. The Protection package for Crime victims requires specially trained officials to deal with victims of crimes on basis of (suspected) gender identity or expression. And for more issues these officials need to be trained by the way.

6.

There is no clear information or status on human rights concerning SSOGIE. Thanks to the OIC and Russia and the Holy Seat "traditional values" or better conservative

antiquated values are high profile again. They are long used against human rights for everyone, regardless of status, be it legal status (refugee, internally displaced, undocumented stranger, legal residency), racial or ethnic status (majority or minority ethnicity, aboriginal or indigenous status), or be it sex, sexuality and/or gender related. The Holy Seat, Russia and the OIC want to dispose of human rights for awkward groups. These moral and cultural differences are one of the main reasons for the reluctance of acknowledging the rights for LGBTIQ people.

7.

Conservative parties keep maintaining that sex, sexual orientation and gender identity and expression have no place or only a small one in human rights discourse. Because in the core documents they are not mentioned explicitly. That is why they are called “new rights”. What they “forget” is that as all law, human rights law is an ever evolving concept. Only in a few countries only the letter of the law counts, and then again: if it is more appropriate to reinterpret this, rulers will do so. However there is a powerful group in the UN that strives to keep sexual and reproductive rights out of the picture and out of positive discourse.

Already four years without the USA and some old allies went over the other side thanks to intensive lobbying or sometimes a change of government. Having the USA in the rights camp is a good thing for the power balance, although it is also used as another reason to be against LGBTI rights: they are evil warmongers who hate religion (or want to impose christianity). The “warmongers” part is totally true but I propose the ones without sin to throw the first stone.

8.

Because there is so much resistance from conservative and religious parties discourse on SSOGIE is still not yet as elaborated and as standard as in other issues. Although in very many issues there is debate on the wishfulness or applicability of human rights discourse also.

9.

Repression already exists for ages and is invigorated thanks to homophobe and transphobe evangelists and other conservatives (let's not forget the Catholic church and the united conservative muslim states). All this strengthens already ages existing prejudice. There is also non-religious conservative tradition that goes back directly to heroism and manliness as virtues.

11.

The Principles also have a function when working with other UN mechanisms as the Human Rights Commission: activists refer to them often.

Groups that advocate for LGBTIQ refugees use them, also to the UNHCR (The UN Refugee Agency). They are used in reports to Special Rapporteurs and for treaty improvement. The scope of the Principles thus is quite wide.

15.

Since the YYP take their point of departure in the UDHR, they cover pretty much all human rights issues or intersections.

16.

Since 2008 Transgender Network Netherlands has been in touch with the senior policy officer of the Justice Dept. of national government. They tell told him about the YYP, what they are, what they are for, and that Dutch government had already said to endorse them.

In the communication with several governments and several department they focused on principles 3 and 18, Three is Recognition before the law as a person, in all circumstances, and 18: Freedom from medical maltreatment. In the course of the debate we even threatened to bring the Netherlands before the CAT commission.

The effect has been a clear understanding of Dutch government that the requirement of sterilization and genital surgery to adapt the person as much as possible to “the other (recognized” gender is against human rights.

There is a tendency that newcomers are far more progressive than the old ones that change legislation. The latter have a heritage of old, clouded thinking and are far less open to fresh approaches. Same applies practically for the Netherlands. Government is not willing to grant full application of principle 3 or of principle 18