

The ties that bind us to the cistem - 5 August 2016 - Amsterdam

This paper looks at different levels of struggle for the rights of trans* and inter* people; both national and supra-national and more from a resisting movements perspective. I will suggest improvements for a trans* strategy, and indicate possible ways for further inter* activism, extrapolating current tendencies.

Human Rights are defined as the basic rights pertaining to every human being regardless of their nationality, age, physical or mental capacity, sex, gender, religion etc., as defined in the Universal Declaration of Human Rights. Article 1 of this Universal Declaration reads "Every person is born free and equal in dignity and rights." It needs no saying that 68 years after its adoption this right is still not universally acknowledged. Being a Muslim Rohingya in Myanmar, a refugee at the edge of Europe, an intersex person everywhere but in Malta and Chile, a Kurd of Yazeri in Syria of Turkey still is rather dangerous for your health or your life, to put it mildly.

These universal rights are being critiqued from a post-colonial and queer perspective. When the UDHR was adopted, most powers still had many colonies and it took quite some struggle for them to recognise the right to independence of their former subjects. And after almost 70 years racism still rages widely.

From a queer and anti-capitalist, historical materialist point of view it is not strange that the UN women's Treaty is ratified with so many RUD's, reservations, understandings and declarations. Read exceptions. Also the largest imperialist power of these days, the USA, has hardly signed any UN Treaty. And if they signed it, they did not ratify it. Because their national legal system is superior to international law of course, and an Empire doesn't recognise anyones else's power, if not at gunpoint. It is a bad time for human rights these days for many people. Still - incomplete and limited as they may be - thanks to the combined and uneven development of capitalist societies and states not being inaccessible monoliths usually, there is a lot to win and a lot to fight for with the human rights systems (plural because there is also the European system of the ECHR, the American IACHR, the African ACPHR. Asia and Australia have no real human right systems of their own. This

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leaves us many opportunities to morally bind the states to their obligations through the different human rights processes.

Queer and post-colonial critique on today's world and the use of human rights focuses a lot on how new inequalities are being created. There is the Savages, Victims and Saviours discourse where every time the Glorious Human Rights Obeying West saves the brown and female or LGBT Victims from the Savage dictators, that their secret services often are responsible for. And the famous homonationalism with its pinkwashing practice is a consequence hereof.

Of course the other big powers Russia and China also pay their due in keeping the world from fulfilling their human rights obligations, but these are not qualitatively, 'essentially' different. Their arguments are in line with those of other autocratic transhomophobic states: it is not part of our culture, it is not part of accepted human rights legislation (seen as cast in stone from its inception and ratification). They are all opportunity arguments by morally and politically conservative forces. The whole backlash that is happening is more a mirror fight for a powerplay and a warring between modernity and conservatism than anything else. The conservative forces also get well played by these states. Qatar and Saudi Arabia behind the OIC, The Vatican and the Orthodox patriarchs behind the Roman and Orthodox resistance. And surely the Christians are well-prepared, seemingly very modern but nauseatingly conservative in their questions and suggestions.

However, back to trans* and inter* people and their Rights and their Struggles

Trans* - with an asterisk - stands for the whole width of the trans* umbrella welcoming every form of past, present and future that considers themselves to be trans somehow. From crossdressers to transsexuals to genderfuck and genderqueer nonbinary gender-refusers.

Inter* stands for all the people with an intersex condition or an intersex identity, whether they identify female, male or otherwise, also as hermaphrodites (herms).

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Cistem. The cistem is the material and ideological, discursive construction of the world as dominated by the naturalized idea of gender as essential.

As you cannot have capitalism without racism, you cannot have capitalism without Gender. In that sense I am absolutely a gender abolitionist, since it will help us destroy capitalism by creating alternative ways of living that in the end with the unification of struggles will overcome capitalism, racism and the intersecting cistem. But how to wage this revolutionary struggle? Where are we now? How to continue, how to join hands?

Trans* people in general face a couple of very serious issues

1. Gender Based Violence, just like most cis women do and many cisgender gay, lesbian and bisexual people
2. Discrimination in the field of labour and goods and services. Think bathroom laws, think being refused an apartment for being trans, think wrong ID papers for the right job
3. Restricted access to legal gender recognition with ludicrous demands of having to change your body, not because you need to but because the law says so. We need Quick, Transparent and Accessible gender recognition as long as it is an issue.
4. No (equal) access to health care that confirms to the highest attainable standard of health. Regular health care exclusions are frequent and gender transition supporting health care is mined with expectations and requirements. Also intersex people undergoing pre- or postnatal hormonal and/or surgical corrections
5. Because of the strong cisgenderism, up to 40% of trans Youth attempt suicide and more than 80% have suicidal thoughts

Issues inter* people face:

1. Prenatal correction out of fear for lesbianism or transgender
2. Postnatal correction, surgical or hormonal for not having a sex that reads male or female enough, equaling cruel and unusual treatment covered by UNCAT, ICCPR

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3. Regular visits to the doctor, cautioned not to tell anyone of their condition, leading to shame and issues with body image
4. Discrimination when intersex status becomes known

The intersex movement is now mostly fighting their struggle - with quite some success - on the UN level. Thanks to "Stop IGM" or "Zwischengeschlecht" from Switzerland for a large part and recently also OII and ILGA, the UNCAT and the CEDAW and CRC committees are asking more and more questions, slamming the duty bearers under review more and more in their Concluding Observations. Also the IACHR has attention for the issue and held a couple of sessions to get informed. Thanks to the work of OII Europe last year the CoE Human Rights Commissioner also spoke out clearly against IGM and for self determination of people with sex variations or on the basis of sex characteristics. On the national level two countries, Malta by law and Chile by ministerial decision, ordered a stop to intersex genital mutilation or any other form of medical intervention that has no medical necessity than confronting to society's image of sex characteristics.

The word used to be trans* people need a doctor to become who they are, while inter* people need to stay away from the doctor to be able to stay who they are. The common denominator here is cisgenderism and heteronormality. Inter* people need medical correction because their sex is considered gross. Where it is just a different embodiment. There is a plethora of ways in which a body can be non-normatively sexed and I want to quote you the recent post-medical definition for intersex: "Intersex is the lived experience of the socio-cultural consequences of being born with a body that does not fit the normative social constructions of male and female". A couple of practical examples:

Babies with XX chromosomes, with a large clit and scrotum-seeming labia are considered an abomination. XY babies that are considered girls because they are insensitive to androgens or babies that may have internal testes with or without ovaries, 'male' labeled persons with an extra X chromosome: they need to be fixed. These XX babies preferably prenatally with Dexamethasone, off-label use. They might turn out lesbian or - heaven forbid - trans. This means eugenic genocide is being perpetrated: a group of people is not wished for their physical characteristics and caught, entrapped, locked in a hospital bed and

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“corrected”. Rightfully the UN Special Rapporteur for the Convention Against Torture has labeled this cruel and inhuman treatment.

Without cisgender heteronormality trans* people would not be required to undergo medical treatment before being able to change their legal status. In Europe alone 22 countries still require this. And only one country deemed this procedure unconstitutional and in contradiction with human rights. That country is Sweden, that end of April decided to draft a law allowing financial reparations as redress for the years of forced sterilisation. Planning to grant the roughly 800 persons who legally transitioned until 2013 some SK 300,000 each. And this is not because they did not want that medical treatment. That is irrelevant because they hardly had a **choice**. Refuse sterilisation and castration surgery and you will stay your old gender until the end of your life, will continue to be discriminated by all official institutions and by potential employers, colleagues, everyone. The absence of choice is crucial here and more countries are now looking into similar solutions. On an individual level Argentina rewarded redress to a trans woman who has been treated violently and discriminated against during her life. Under recognition of the Yogyakarta Principle 28 on the right to redress she got granted extra pay because the state recognised its responsibility and its failure in protecting this woman.

This is a very important development that at once shows the power of good strategic litigation and a strong trans* movement. Because in 2013 immediately several trans* people already started a class action suit against Swedish government demanding redress. The lawsuit got rejected by the Attorney-General, but it was strong enough a signal, together with lobby, that government now comes with this plan. By the way is this the second reparations act that Sweden comes with regarding forced sterilisations; they already did so in 1999 for a group of cis women who had been forcibly sterilised between 1934 and 1975, in the 1940s mostly on eugenic grounds. (*see*

https://en.wikipedia.org/wiki/Compulsory_sterilisation_in_Sweden)

Activists for bodily diversity and the right to physical autonomy already call the practice to "correct" intersex people's genitals or gonads "eugenics". For trans* people one could state the same: male mothers and female fathers are an abomination that should be prevented.

Hear the echo of heteronormality here?

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I asked: How to continue, how to join hands? We can only truly join hands if you, all of you, join the fight for the abolition of gender registration, for the destruction cisheteronormative society. Next Transgender Remembrance Day I want to see many cis people standing on solidarity with us. Start unlearning your cis and straight privilege. Like Black Lives Matter states you need to revisit your white privilege. Be open to critique, get down from your ivory towers.

When looking to the future and when queering human rights struggle, I would need to extrapolate what is happening to what needs to happen. We need a queer feminist trans* and inter* led, cis inclusive fight against the pervading cisgenderism. When trans* and inter* activists have overcome their fears for each other, and when they see they share a common opponent, like feminine gays and both masculine and feminine lesbians and bisexuals, we might unite to fight the capitalist patriarchate that keeps us bound. Free genders, free sexualities, love, lust and genders and sexes without restraint that find each other far more interesting than their jobs, may endanger the system of profit above all.

All this again works different when not white. Up to now my story was at most implicitly colored, situated in the dominating countries and did not talk how this is for PoC in the white dominated world, and how this all works out in the dominated countries. In formerly colonised countries we have to take into account remainders of colonial legislation as in the formerly English South Asian countries India and Pakistan paragraph 377 of the penal code, that prohibits homosexual sex. Also in African former colonies we encounter this heritage, often revived through the religious and financial influence of foreign preachers, often the newest brands of Pentecostalism, or in the Muslim world financed by Saudi Arabia, Qatar ?? and the CIA, like Pakistani ISI a state in the state. There is nothing obscure or only local about these developments, it is local elites, international financial and so called religious streams that serve the economic and political interests by use of morals and religion. As long as the attention does not go to the riches Museveni or Mugabe gather. Or the political agenda that Modi heeds.

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So, to wrap things up:

The straight cistem does not like autonomous people. Positive legislation and critique has been enforced and with good legislation it comes to compliance which often goes wrong. With accompanying work to change cultural attitudes and block negative money and influence, a strong workers, women and queer post-colonial intersecting movement we may overthrow capitalism and live happily ever after.

Thank you.