
REPORT FROM THE INTERNATIONAL BILL OF GENDER RIGHTS PROJECT

Saturday, August 28, 1993

Second Annual International Conference on Transgender Law and Employment Policy

PROJECT DIRECTOR: Sharon Ann Stuart, Attorney, International Bill of Gender Rights Project Director, ICTLEP

By Phyllis Frye:

We're going to close with an area that kind of took on a life of its own. The International Bill of Gender Rights Project was like what I mentioned earlier about the Health Law Project two years ago. I just thought, "Well, a couple of people have proposed it. There's going to be a little bit of argument. It will be quietly adopted by everybody. Maybe, if we took the earlier version, added a few words, made sure everybody had input, and put on the ICTLEP seal of approval, then maybe everyone would accept it."

I originally had it set as a tier three presentation where it just got one hour of committee work on Thursday, and one hour committee work on Friday and then got a thirty minute presentation today. After the first committee meeting, we changed it to longer committee meetings, and I decided I was going to give it more time in the presentation. After Friday's workshop, I said, "This is it! Something else is not going to be the closer. This has to be the closer."

Sharon Ann Stuart, who is our Military Law Project Director, is also heading up this International Bill of Gender Rights Project. I don't want to waste any more of her time.

By Sharon Ann Stuart:

Thank you Phyllis. I last saw the banner that hangs above [*Transgendered and Proud and We Vote!*] when I was in Washington for the March on Washington. It was a wonderful thing to be there. It was a sea of humanity. It was an inspiring moment in my life to be at the Washington Monument waiting for our turn to march. I invite you to read the stories in the current issue of "Tapestry". I thought about the assignment I had taken on while I stood there holding this banner along with Aaron, Phyllis, Susan Stryker, Leslie, and others who were with us at that time. I thought about the assignment then. I thought about how much work there was to be done. I felt guilty because I had not had a chance to really begin that work.

I went home from the March, and I prepared some material. I read some books. What I didn't realize was that so many people would come forward and do the work with me and support me. This is not the document of any one person; this is a collective document. It is a collective document that reflects the truth about us, about humanity, about this community, and about the human race. Listen to the titles of these rights. And I'm reading only the titles:

THE INDIVIDUAL'S RIGHT TO DEFINE GENDER IDENTITY;
THE RIGHT TO FREE EXPRESSION OF GENDER IDENTITY;

THE RIGHT TO CONTROL AND CHANGE ONE'S OWN BODY;
THE RIGHT TO COMPETENT MEDICAL AND PROFESSIONAL CARE;
THE RIGHT TO FREEDOM FROM PSYCHIATRIC DIAGNOSIS OR TREATMENT;
THE RIGHT TO SEXUAL EXPRESSION;
THE RIGHT TO FORM COMMITTED LOVING RELATIONSHIPS AND ENTER INTO MARITAL CONTRACTS; AND
THE RIGHT TO CONCEIVE OR ADOPT CHILDREN, THE RIGHT TO NURTURE AND HAVE CUSTODY OF CHILDREN AND EXERCISE PARENTAL RIGHTS.

Although these are the eight rights which we have articulated here at this meeting, this document has a history. As Phyllis mentioned, this is not the first Bill of Gender Rights; the terminology we have adopted is International Bill of Gender Rights. There were two earlier documents circulated. One by JoAnn Roberts of the Philadelphia area and Renaissance and one by myself. Both documents came into being in 1991.

In my own case I first thought about a gender rights document in the 1970's when I was working in another country and writing memoranda for legal authorities concerning their human rights code. Comparing their human rights code to the codes of other countries and of various types of human rights codes, I studied several models. I traced the history of these codes and how they evolved and developed. I learned a great deal, and I had the urge then to sit down one day and write a bill of gender rights or a statement of gender rights, but I never did. I don't know why.



L-R: Phyllis Randolph Frye, Attorney, Executive Director, ICTLEP; Sharon Ann Stuart, Attorney, International Bill of Gender Rights project Director, ICTLEP; Susan Stryker, Transgender Nation; Yvonne Cook, Operations Director, International Foundation for Gender Education; and Leslie Feinberg, author, Transgender Liberation, and Stone Butch Blues

Life went on. It wasn't until 1991 when I went to Denver for the IFGE meeting. A conversation in a hallway lead to a newsletter article that I wrote in about twenty minutes and published in the IFGE convention newsletter. Shortly after that article appeared the next morning, a person approached me and said, "We already have a gender bill of rights." And I said, "We do?" And this individual said, "Yes, JoAnn Roberts has a bill of gender of rights [see Appendix 13]. What is this thing in the newsletter?" And I said, "Well, I was asked to write an article for the newsletter and I simply wrote an article." We talked about it.

I eventually obtained a copy of JoAnn's document, and I saw something very similar, in many ways, to what I had done, but hers was more polished, more thoughtful, more penetrating, and more inspiring. Eventually, I contacted JoAnn and we talked. JoAnn went on to issue a new and revised version. Her first version had come out in March, shortly before the IFGE meeting and unfortunately she was not at that meeting. She then reissued her Bill of Gender Rights in June of 1991. Various organizations in the community have considered that document, adopted it in principle, and published it in various ways.

Those historical documents will be inserted into the record. We have distributed copies of them at our drafting sessions and they will be attached to our report in the "Proceedings". So you can see for yourself how this document evolved from those earlier expressions of the truths that we are trying to relate to ourselves and to the world. You will see just how far we have come in the ability to articulate these rights. You will see how primitive the first efforts were, particularly my own, and how polished the present draft number three is.

And yet I want to tell you this is not a fixed document. One of the characteristics of the true bill of rights is that it is an evolving document. It must evolve or it will die. The quote which the preceding speaker read from Jefferson is extremely apt to illustrate this point. We must be ready to revise, update and rearticulate these rights from time to time. We will do so.

This Transgender Law Conference will adopt this to be the draft for 1994 Law Conference, where we will meet again to consider proposed changes. There will be some standards for those changes. We will not make changes for light and transient reasons, to borrow another phrase from Jefferson and the Declaration, but we will make changes. We will refine this document and hammer it out until all of the dross in it is gone and we have only the metal, those kernels of the truth, the golden truth, that is there. This document, which I will proclaim to you today for the first time, and every document of this sort deserves and needs a proclamation. I will read it to you eventually, but bear with me.

One of the great joys of my life is to be the orator at a living history museum close to where I live. Several times a year I go there for programs. One of the programs that I have done for eight years there is the Fourth of July. On that occasion I'm dressed differently, in the suit of a gentleman of the 1850's with a top hat, a coat with tails, suspenders, and — I'm happy to say — a Christian Dior shirt from J.C. Penney, the only type of shirt which really meets those specifications that would have been worn by a man in 1850. Today those types of blouses or shirts are worn only by women.

On those particular times and places, although I appear as a man, I am, in fact, somewhat cross dressed. I read on that occasion for an audience ranging from two to three hundred people the Declaration of Independence. And it is a magnificent document, convoluted and difficult, but magnificent. It was first proclaimed on July 4th. And we celebrate that anniversary every year.

This document will evolve as well. After the Revolutionary War, the patriots who had won that war understood what they had fought for. And one of the first things that they did on the ashes of the old Articles of Confederation was to adopt their Constitution and shortly thereafter their Bill of Rights. They had to carve that Bill of Rights in stone and they did it beautifully and simply. But that document has evolved and it continues to evolve. And I say that to you to emphasize this document will and must evolve as well.

My fondest hopes for this document is that it will have the same kind of impact for our community that the Constitutional Bill of Rights have had on our freedoms. We must remember that it is those basic freedoms guaranteed by Jefferson and his fellow patriots that allow us to gather here today, to assemble, to associate with one another, to publish and to freely express ourselves. A great deal has been said here today about the difficulties we have in enforcing and obtaining our rights, but the glory is they are there to be obtained and enforced. We have to learn how to do it. This bill of rights, a International Bill of Gender Rights is an effort to articulate the basic principles that apply to us and to show how our rights, our major concerns, interrelate with human and civil rights.

You have been handed a copy of the draft and also a proposal to establish an International Bill of Gender Rights Project. I will ask the Board of ICTLEP to approve that proposal at the appropriate time at a Board meeting and to adopt the draft for 1994. We have accomplished the first mission. The purpose of the project is to articulate the fundamental gender rights of all human beings, and to assert the right of all human beings to define their own gender identity, together with the freedom to express that gender identity, likewise to assert those rights necessary to the free expression of a self defined gender identity, and further to assert the gender rights of all human beings as those rights relate to human and civil rights.

The mission follows, and we have accomplished the first, that is a draft. We will proceed to the second mission of periodically reviewing and updating. We will begin to assemble documentation, legal, sociological, psychological, and medical sociological material, to support the various sections and language in our gender rights bill. We need to do this because these are necessary for a document of this sort. It is not enough to state these principles: one must gather the evidence and support of them. We will assemble that evidence over the next year. That will be an on-going work as well.

We will attempt to obtain competent translation from English into other languages. We will be in communication with countries overseas in Europe and Asia and elsewhere to acquaint them with our work and to solicit their assistance in making those translations. We will collect those translations as well.

I don't want to make any secret of it. We are moving toward a comprehensive publication, something that will consist of numerous pages. We will begin to disseminate this bill of gender rights and its supporting documents throughout the worldwide gender community and to a more limited extent to the public at large. This is a public document. We want to see it evolve for a period of time before we begin to reach out with it. We need to hammer the metal for a while longer and make sure that we understand what we have said and the implications of all that we have said.

Lastly, we will eventually go to legislative bodies, to judicial counsels, to religious and cultural organizations and ask for their recognition and acceptance. Phyllis wrote me a note one day, after I had sent her some material, telling me that I would be appearing at the United Nations speaking for the law conference for this International Bill of Gender Rights. That's an invitation I'll be happy to accept, and I hope that many others will go with me.

I want to make some important acknowledgements. I want you to understand, and as I began to tell you the history of the document, I think you got a sense of it, this is not my document. This is your document. It is really a document for everyone in the community, and for humanity, really, that has a very broad base. JoAnn Roberts deserves a great deal of credit. She was a guiding inspiration and genius. Much of her thought and language remains in Draft number three. Much of the structure, the format, many of the thoughts that she originally put down are preserved. Some have been changed and enhanced and other rights have been articulated and added.

I'd like to thank Susan Stryker who sat up half the night with me to finish Draft number three. Susan was an invaluable aid and inspiration. Pat Grace whose suggestions about rights regarding children and marriage were very important to the articulation of that right and many other suggestions which Pat made. To Jan, who has an incisive and brilliant legal mind, thank you for many useful thoughts. Dan Shea, our speaker of last night, contributed a key concept yesterday and the welcome insight of fresh eyes and thought. Seeing the document for the first time, it was gratifying how quickly he grasped its meaning, and how strongly he supported it and accepted it and how warmly he expressed his thoughts about it. To Alice, sitting in the back, thanks for help with punctuation, grammar and structure. Those suggestions were invaluable to us.

To Keith Rogers and probably twenty others who attended our sessions and offered their reactions and comments, this document is yours too. And I'd also like to recognize the directors of ICTLEP: Laura Skaer, who has always supported the work that I have tried to do; Martine, whose work on Health Law was invaluable

and essential to this document; and lastly Phyllis, who has given me the opportunity to do this. I'm very grateful for that.

There have been other, many other minority groups that have suffered repression, oppression and abuse of a legal or social nature in this country. This country was founded as a response to British oppression. That is what the Declaration of Independence is about. The Constitution and Bill of Rights followed the Declaration as one of our principal governing documents. The Constitution and Bill of Rights essentially are an expression of the basic rights asserted in the Declaration of Independence.

We threw off our British oppressors. But as a strange and ironic dynamic of our democracy, those who were oppressed in this society often become the oppressors of the next generation. The Puritans oppressed other religious groups who followed them.

The Catholics were oppressed. Some would say today the Catholics are oppressors of the gay and lesbian people. At one time in this country to be Catholic was a dangerous label.

The disabled in this country were oppressed. It was said that a person who was retarded, congenitally deformed, was suffering the wrath of God. The sins of his father were being visited upon him or her, and he was condemned to a life lacking an opportunity. They were put away, shut in back rooms unable to own property, to vote, to receive an education, or to enjoy any of the rights that we take so much for granted. The disabled have overcome that oppression.

Women and children were once chattel, subject to abuse. If a woman left her husband in the 1700's, she was liable to be returned to him forcibly and could be detained by her husband and abused in the bargain. Neither the state nor the church would lift a finger to interfere.

We all know the story of the African-Americans.

We are an oppressed community. Our story is different. Our journey will be different. This bill of rights to some degree is a beginning point.

I'm not going to be able to quite duplicate what I do when I give the Declaration of Independence, but I'll do my best. This will be the first proclamation of the International Bill of Gender Rights.

[Sharon then read the Bill, which after a few other minor revisions, is published in the front of these "Proceedings".]

By Phyllis Frye:

Is Jackie in here? Okay. Laura, you're here. Don't leave Sharon. Where's Martine? That's okay. Martine will approve. We've got a majority of the Board in this room. Laura will you move that the Board of Directors adopts that report as being the expression of this Second Conference in the International Bill of Gender Rights. *[Laura moved. Sharon seconded. The four Directors present all voted affirmative.]*

Just a little bit of business. I had asked — because the Family Law Project had made such a brilliant report and had pointed out something that was very necessary now — that we have some type of input or at least try to have some type of input on affecting this national driver's license project out of the Department of Transportation with respect to designation or deletion of designation of sex, if a federal law comes out on a federal driver's license. I asked for some volunteers, and nobody volunteered because nobody wanted to lead it. But I went out in the hallway for a second, and I was cornered by some people who definitely want to be involved.

As I look around the room, because of their geographic location near D.C. and also because of the fact that they're just real aggressive individuals, I'm going to volunteer some people. I'm going to name four people. I would like for them, when we adjourn in about two minutes, to meet out in the hallway. Anyone else, who wants to join them, meet out in the hallway. Please report to me by 7:30 tonight, if y'all are, in fact, going to do something. Tell me who's going to be responsible and what's the structure of the committee.

Ruby, will you raise your hand; Ruby Gonzales. I'm volunteering Pat Grace. [*Also were Carol-Lee Erickson and Leslie Feinberg.*] See if you can put something together. If we can't, then that's something that we can't do. That's something that slips by and that's something that we may eat for the next twenty years. If we can, we may be able to affect it. If anyone else wants to be involved? Marian. Good. Please join.

I'm going to adjourn this until 7:30. We will have dinner in the atrium. Marian, Ruby, Pat, Carol-Lee, and if y'all can get Leslie involved and anyone else that wants to join in, please form that structure and let me know what it is. Thank you.