

# Transitioning Gender Equality to the Equality of Sexgender Diversity

Persson Perry Baumgartinger

## 1. Introduction

The Sustainable Development Goal (SDG) 5 “Gender Equality” is one of 17 goals aiming to change global inequalities until 2030. Contrary to the prior Millennium Development Goals (MDGs), the SDGs not only target the Global South and East, but also make the Global North and West accountable for the global inequalities.

SDG 5 “Gender Equality”, however, uses the term “gender” as a binary concept that includes only men and women considered healthy, and counts only specific women and girls as relevant: “Achieve gender equality and empower all women and girls”. In this article, I argue that this is far too short a connotation of a phenomenon I call “sexgender”. Not only does it erase this notion of sexgender, a colonial concept, a multiplicity of diverse sexes and genders, which is deeply entangled in Western ideologies on sexual orientation and economy; it also leaves out large parts of the worldwide population, particularly intersex, trans, and sexgender non-conforming people<sup>1</sup> (ITGNC) (EATHAN 2018, p. 3), who face human rights violations in many areas, such as education, employment, housing, access to health sectors, detention, migration, media representation, as well as oppressive norms shaped by societal and religiously informed prejudices, just to name a few. Furthermore, the term “sexgender” includes Rubin’s “sex/gender system” (Rubin 1975, p. 195) and explicitly refers to a patriarchal, heteronormative, binary societal structure of power relations.

In this article, I show that the goal “gender equality” can only be sustainably achieved if we understand sexgender holistically; that means if the human rights of intersex, trans, and sexgender non-conforming people are included. The Yogyakarta Principles (YP 2006) and their additional Yogyakarta Principles Plus 10 (YP+10 2017) provide an example of how such a necessary transformation can be achieved with

---

<sup>1</sup> While EATHAN uses the term “gender non-conforming”, I extended it to “sexgender non-conforming” (see Section 2 in this article).

their extension of the Human Rights Law on the grounds of sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC).<sup>2</sup>

To do so, I take the term transition literally in the sense of trans-ness, and use the concept of trans- (Stryker et al. 2008) as an intersectional approach to sexgender diversity; I also draw on the neologism “sexgender” as an umbrella term to include different aspects of the diversity of sexes and genders. By including data on the situation of sexgender-diverse people worldwide and referencing the claims of intersex, trans and sexgender non-conforming activists, I arrive at the conclusion that the SDG 5 requires a broader understanding of sexes and genders to do intersex, trans, and sexgender non-conforming children and adults justice—as well as men and women who fall outside their respective societal and cultural norms.

## 2. Transition(ing), Trans- and Sexgender Diversity

Transition or transitioning constitutes an important concept for trans and sexgender-diverse people. It refers to a process in which people

live and socialize as the gender with which [a person] wants to identify, rather than the gender they were assigned at birth, which often includes changing one’s first name (for some) and dressing and grooming differently. Transition may or may not also include medical and legal aspects, including taking hormones, having [consent] surgery, or changing identity documents (e.g., driver’s licence, passport or other identity documents) to reflect one’s gender identity. (EATHAN 2018, p. 1)

As a trans studies scholar reading the title of the book series “Transitioning to . . . ”, I think of transitioning as an ongoing process of changes, that entails sexgender diversity. The term trans- includes the trans studies concept of “transing”, first described by Stryker, Currah and Moore (Stryker et al. 2008), who put their emphasis on the hyphen—as a symbol for a connecting link between different societal systems: “Trans: -gender, -national, -racial, -generational, -genic, -species. The list could (and does) go on” (p. 11). In this concept, sexgender is not seen as a uniquely defined, fixed category, but instead as an ongoing process. Therefore, Stryker et al. suggest not to think of fixed sexgender categories, like man or woman, but to focus on the discriminatory regimes that intersect and intertwine. This requires us to holistically

---

<sup>2</sup> The acronym SOGIESC stands for sexual orientation (SO), gender identity (GI), gender expression (E) and sex characteristics (SC). Although this article does not focus on sexual orientation, it cannot be separated from sexgender diversity, especially in pre-colonial and non-western concepts.

think of sexgender diversity and to extend its meaning beyond the binary phenomena of “man” or “woman”.

The term “sexgender diversity” refers to all the multiple forms of gender identities, gender expressions and sex characteristics, and also notions of sexual orientation (SOGIESC) that people are born with, explore, express and transform during their lives. Sexgender has been used in different ways, like sex/gender or gender/sex, introduced in 1975 by Rubin as a broader alternative to patriarchy (Rubin 1975, p. 195) and later by Unger and Crawford in 1993 because “sex and gender are neither dichotomous nor independent of each other” (Fausto-Sterling 2019, p. 532). I agree, and this is the reason why I—unlike Rubin, Unger and Crawford, and Fausto-Sterling—do not use a solidus between the two connected concepts: sexgender. I suggest sexgender as an umbrella term, because it includes Western terms (unlike the often criticized acronym LGBTIQ+), while leaving room for all the many sexes and genders that have been and are lived worldwide, such as Fa’afafine, Feminielli, Burrneshia, Travesti, Muxhes, Omeguid and many others.<sup>3</sup>

As this short introduction regarding the use of my terms shows, defining sexgender as an exclusive idea of man or woman is insufficient. The aim of Stryker, Currah and Moore’s concept trans- “was not to identify, consolidate, or stabilize a category or class of people, things, or phenomena that could be nominated ‘trans’, as if certain concrete somethings could be characterized as ‘crossers’, while everything else could be characterized by boundedness and fixity” (Stryker et al. 2008, p. 11). Instead, the term points to oppressive regimes that correlate, interlock, and rely on each other on the intersection of sexgender, with its respective societal, cultural, scientific, and medical norms (cf. Baumgartinger 2019). Such an approach asks for a new perspective. In the context of SDG 5, this means to question the concept of women and girls, and their implications: Where are the limits of those two terms? Do they, e.g., include female sex workers, divorced women, or young pregnant women? Do those terms also mean trans and intersex women and girls, or sexual and sexgender diverse identities and ways of living? Do they convey pre-colonial meanings and practices of sexgender? What about sexgender non-conforming men and boys? Are they part of the SDG’s “gender equality”? Stryker et al. (2008) suggest the term “transing” for such processes of de-conceptualizing concepts that appear as “natural” all too easily.

---

<sup>3</sup> See, e.g., Independent Lense 2015. Available online: [http://www.pbs.org/independentlens/content/two-spirits\\_map-html](http://www.pbs.org/independentlens/content/two-spirits_map-html) (accessed on 3 April 2020).

### 3. The Situation of Sexgender-diverse People in the World

Little (but increasing) research means that we lack sufficient data to adequately describe and assess the situation of sexgender-diverse people worldwide. Due to global community networks, it can be assumed that sexgender-diverse people face a range of discriminations, including increased likelihood of poverty, higher drop-out rates in education systems and lowered chances in the labor market than people conforming to binary notions of sexgender. Additionally, they are often rejected or badly treated in their respective health systems.

What we do know is that trans and sexgender-diverse people are murdered because of who they are. This affects especially people of color, indigenous people and migrants, most notably in the Global South. Within one year, between 1 October 2018 and 30 September 2019, a total of 331 trans and gender-diverse people, or people perceived as such, were murdered, adding up to a total of 3314 reported cases in 74 countries worldwide since 1 January 2008, as far as the Trans Murder Monitoring research project (TMM) could confirm the homicides.<sup>4</sup> The majority of the murders in 2018–2019 occurred in the Americas (130 in Brazil, 63 in Mexico, and 30 in the United States). Most of the victims were sex workers (61%), in cases where the occupation could be determined. In the United States, the majority of trans people reported murdered were trans women of color and/or Indigenous trans women (90%). Overall, 65% of the reported murder victims in European countries, to which most trans and gender-diverse people from Africa and Central and South America migrate (France, Italy, Portugal, and Spain), were migrant trans women (TvT 2019).

Those numbers alone show that stigma and discrimination against trans and sexgender-diverse people are real and profound around the globe. Although we cannot know specific numbers about murders of other sexgender-diverse people, like intersex people or people with a variation of sex characteristics,<sup>5</sup> we must assume that they, as well as sexgender non-conforming people, are part of this structural

---

<sup>4</sup> The Trans Murder Monitoring (TMM) research project monitors, collects, and analyzes reports of homicides on trans and gender-diverse people worldwide. See *Transrespect vs Transphobia (TvT)*. Available online: <https://tgeu.org/our-work/our-global-work/tvt/> (accessed on 3 April 2020); data on murdered sexgender-diverse people are not systematically produced, and it is impossible to estimate the actual number of homicides. There are, for example, no additional data available on murders of intersex and sex-diverse people, which may or may not be part of the counts above.

<sup>5</sup> The umbrella term intersex stands “for the spectrum of variations of sex characteristics that naturally occur within the human species”. Intersex individuals are born with sexual anatomy, reproductive organs, hormonal structure and/or levels and/or chromosomal patterns (sex characteristics) falling outside the common definitions of male or female (Ghattas 2019, p. 9; see also EATHAN 2018, p. 1).

and ongoing circle of oppression that keeps sexgender-diverse children and adults deprived of their basic rights, just because most societies are structured along the supposedly binary concept of sexgender. Such a system makes all sexgender-diverse people particularly vulnerable to violations of their human rights in many societal areas, such as harassment, bullying at school and in their job life, or violence in medical settings. To illustrate the (discriminatory) situation of sexgender-diverse people, I discuss three topics: the right to the bodily autonomy of intersex, trans and sexgender-nonconforming people in general; access to the labor market for trans men and trans women in South-East Asian countries; and intersectional dimensions of discriminatory structures for sexgender-diverse people seeking health care in East Africa.

The right to bodily autonomy is constantly violated on the basis of sex characteristics worldwide, although “[b]odily autonomy is a fundamental human right, repeatedly enshrined throughout myriad human rights instruments globally. Each of us holds this right individually. However, it is not equally protected nor enforced for everyone” (Ghattas 2019, p. 6). Intersex activists fight against non-consensual pre-natal interventions, medical interventions on healthy bodies, and intersex genital mutilation (IGM), still often performed on infants and children (Ghattas 2019). Intersex genital mutilations share commonalities with female genital mutilations in terms of social acceptability or their negative impact on an individual’s life and health (cf. Ghattas 2019, p. 12). Yet, trans and gender non-conforming individuals simultaneously have to fight, on the one hand, for consensual medical procedures such as hormonal treatment or sex affirmation surgery, as well as against forced sterilization, other involuntary medical treatments and pathologization.

The study “Denied Work” to trans men and women seeking a job in the South-East Asian countries Malaysia, Singapore, Thailand and Vietnam showed that “trans people are overall significantly less likely than cisgender people to receive a positive response to a job application” (Winter et al. 2018, p. 13). In terms of numbers, cis applicants received, on average, 50.6 percent more positive responses and were 54.6 percent more likely to be invited to an interview than trans applicants (Winter et al. 2018, p. 13).

Violence against trans and sexgender-diverse people frequently overlaps with other axes of oppression, such as racism, sexism, xenophobia, or ableism. The East Africa Trans Health and Advocacy Network shows, in their study “Nilinde Nisife”, focusing on the health situation of intersex, trans and gender non-conforming people in the East African countries Burundi, Kenya, Rwanda, Uganda and Tanzania, a direct correlation between

- low levels of education;
- slow and retrogressive socio-cultural development stages of each country in East Africa;
- poor state of housing,
- status of economic engagement;
- poor quality of healthcare service provision for sexgender-diverse individuals, which leads to an increased engagement in unmonitored hormonal therapy;
- extremely high costs and lack of expertise in gender reaffirming surgery;
- lack of access to sexual health resources and contraction of HIV within the ITGNC community (EATHAN 2018, p. 29).

Those intersections are relevant to keep in mind, when we talk about sexgender equality in general, but especially in the context of sexgender-diverse people. The situation of intersex, trans and sexgender-diverse individuals is alarming, as the community report of Transrespect versus Transphobia (TvT 2019) on global trans perspectives on health and wellbeing shows. Focusing on Global South and East in their study, they identify a lack of access to healthcare coexisting with oppressive medicalized requirements. Regarding discrimination and violence, they describe 2982 reported murders in less than ten years. They additionally have a lack of legal protection and call the social and economic situations of sexgender-diverse individuals in the Global South and East “alarming”.

Hence, intersex, trans and sexgender non-conforming people face varied forms of discrimination and human rights violations in different areas of their lives, such as bodily integrity, employment and healthcare, among others.

#### **4. Activism and Action**

Diverse activists all over the world have been demanding their human rights for a long time now. They raise awareness in their communities and demand increased media coverage. They build up support structures. They conduct studies. They go to court and to human rights bodies of the United Nations. In Brazil, for example, the program “Transcidadania” (trans civil rights), a pilot project conducted between 2012 and 2016 in Sao Paolo, aims to support travestis and transsexuals—who face poverty, low or no formal education and therefore little access to primary labor market—in achieving their secondary education certificate (cf. Garcia et al. 2019; Larrat 2019). The conference on “Health and Quality of Life of transgender people in Central Asia: achievements, barriers and perspectives” in Kyrgyzstan in September 2019 is another example. It was organized by activists representing Alma-TQ (Kazakhstan), Labrys

(Kyrgyzstan), and LighT (Tajikistan). Such activism is not new, but is increasingly recognized by (social) media and official representatives.

The number of support and activist groups all over the globe is increasing. The Asia Pacific Transgender Network (APTN), Associação Brasileira de Gays, Lésbicas e Transgêneros (ABGLT), East Africa Trans Health and Advocacy Network (EATHAN), GATE – Trans, Gender Diverse and Intersex Advocacy in Action, Organization Intersex International (OII) with local groups in Africa, the Americas, Asia-Pacific, and Europe, Samoa Fa’afafine Association, Transgender Europe (TGEU), Transgender Intersex in Action (TIA), TransAction Pakistan, Transgender and Intersex Africa, are just a few of many examples.

Due to increased pressure from activists, the United Nations Treaty Bodies have called on Member States to stop human rights violations against intersex people 49 times since 2009. The Council of European Member States has received 26 UN Treaty Body recommendations, 15 of these in the past two years alone (Ghattas 2019).

In 2006, the Yogyakarta Principles (YP) were intended to apply the Human Rights Law to sexual orientation and gender identity. The YP consisted of 29 principles, accompanied by detailed recommendations to governments, and several additional recommendations to institutions like the United Nations, the World Health Organisation, courts, humanitarian organizations and so on. Eleven years later, in 2017, the Yogyakarta Principles Plus 10 (YP+10) expanded the initial principles and state obligations in relation to gender expression and sex characteristics. Nine principles (30–38) were added and the state obligations were enhanced, including the rights to state protection, to bodily and mental integrity, as well as access to sanitation.

The Yogyakarta Principles Plus 10 show explicitly, that anti-discrimination is an ongoing process, and that they “rely on the current state of international human rights law and will require revision on a regular basis in order to take account of developments in that law and its application to the particular lives and experiences of persons of diverse sexual orientations and gender identities over time and in diverse regions and countries”. This is similarly the case for the SDGs, and I hope to have shown that it is time to transform the notion of “gender equality” to equality of sexgender diversity.

## 5. Conclusions

*“Achieving equality of sexgender diversity and empowering all women, girls, trans, intersex and sexgender non-conforming children and adults”.*

If the sustainable development goals are to be achieved in general and in terms of Human Rights, we need a broader understanding—a critical, intersectional approach,

i.e., a post-colonial, sexgender-diverse, de-pathologizing, class-critical, non-binary, global understanding of what is commonly named gender. If human rights are to be taken seriously, our notions of “SDG 5 Gender Equality” have to be transitioned into “SDG 5 Equality of Sexgender Diversity”. It starts with the title and goes much further—supporting and affirming an entire group of people who are discriminated against based on gender identity, gender expression and sex characteristics, and whose human rights are violated on a daily basis, namely intersex, trans, and gender non-conforming, as well as sexgender-diverse people.

As the studies above have illustrated, there is still a lot to do. Some issues intersect with women’s rights or worker’s rights, others with the rights to adequate housing or healthy food, still others intersect with the rights to good health and well-being, safe childhood and the right to quality education, but especially the right to self-determination and bodily autonomy.

Hence, when we talk about the Sustainable Development Goal 5 “Gender Equality”, and since we know that the concepts “sex” and “gender” are not only about specific notions of man and woman, but that sexgender is a much more heterogeneous, processual and complex phenomenon, and if we take the Human Rights of intersex, trans, and sexgender non-conforming, as well as sexgender-diverse people into account, the definition of gender equality has to be extended and include intersex, trans and gender non-conforming at all the intersectional levels. Furthermore, trans-ing “gender equality” means to question the respective cultural, societal, scientific and medical notions of “man” and “woman” and to broaden them, so that sexgender-diverse people are no longer the “deviant crossers” and man/woman are no longer the “natural fixities”. Instead, the discriminatory binary sexgender system needs to be dismantled and decolonized. This is an ongoing process.

As a first step, we need to make the world a safer place, not only for women and girls, but also for trans, intersex and sexgender non-conforming children and adults. For the Sustainable Development Goal 5 “Gender Equality”, this means to both alter the shorter word or phrase that identifies each goal from “Gender Equality” to “*Sexgender Equality*”, and to rephrase the exact sentence wording of the goal to: “Achieve *sexgender* equality and empower all *women, girls, intersex, trans, and gender non-conforming children and adults*”. In further steps, this process entails revising the addressees bearing the diversity of sexes and genders in mind, as well as the human rights of sexgender-diverse people, including their worldwide violations, to do the goal justice. Doing so may ultimately lead us to the phrase “Achieving equality of *sexgender diversity* and empowering all *women, girls, intersex, trans, and sexgender*”

*non-conforming children and adults*”, with the suffix “ing” making the procedural character of transing even more visible.

**Acknowledgments:** I would like to especially thank Katta Spiel and Lisa Rosenblatt for the English editing.

**Conflicts of Interest:** No potential conflict of interest was reported by the author.

## References

- Baumgartinger, Persson Perry. 2019. *Die Staatliche Regulierung von Trans. Der Transsexuellen-Erlass in Österreich (1980–2020). Eine Dispositivgeschichte*. Bielefeld: Transcript.
- East Africa Trans Health and Advocacy Network (EATHAN). 2018. *Nilinde Nisife. How Safety & Security Affects Access to Health & HIV Services among ITGNC Persons in East Africa*. Nairobi: EATHAN.
- Fausto-Sterling, Anne. 2019. Gender/Sex, Sexual Orientation, and Identity Are in the Body: How Did They Get There? *The Journal of Sex Research* 56: 529–55. [CrossRef] [PubMed]
- Garcia, Carla Christina, Fabio Mariano da Silva, and Marcelo Heler Sanchez. 2019. Der Aufbau des Projektes Transcidadania (Transbürger\*innenrechte) und der Kampf für eine emanzipatorische Bildung in Brasilien. In *COMPA/maiz/das kollektiv/Entschieden gegen Rassismus und Diskriminierung (eds.)*. Pädagogik im Globalen Postkolonialen Raum. Bildungspotenziale von Dekolonisierung und Emanzipation. Weinheim and Basel: Beltz Juventa, pp. 106–18.
- Ghatts, Dan Christian. 2019. *Protecting Intersex People in Europe. A Toolkit for Law and Policy Makers*. Brussels: ILGA Europe and OII Europe.
- Independent Lense. 2015. A Map of Gender-Diverse Cultures. Available online: [http://www.pbs.org/independentlens/content/two-spirits\\_map-html](http://www.pbs.org/independentlens/content/two-spirits_map-html) (accessed on 3 April 2020).
- Larrat, Symmy. 2019. Transcidadania. Paper presented at the Wienwoche Symposium “Bildung zur utopischen Imagination”, Vienna, Austria, September 17. Unpublished lecture.
- Rubin, Gayle. 1975. The Traffic in Women: Notes on the Political Economy of Sex. In *Toward an Anthropology of Women*. Edited by Rayna R. Reitner. New York: Monthly Review Press, pp. 157–210.
- Stryker, Susan, Paisley Currah, and Lisa Jean Moore. 2008. Introduction: Trans-, Trans, or Transgender? *Women Studies Quarterly* 36: 11–22. [CrossRef]
- Transrespect versus Transphobia (TvT). 2019. TMM Update Trans Day of Remembrance 2019. Available online: <https://transrespect.org/en/tmm-update-trans-day-of-remembrance-2019/> (accessed on 3 April 2020).
- Winter, Sam, Catriona Davis-McCabe, Cianán B. Russell, Dorian Wilde, Chu Than Ha, Ami Peeranee Suparak, and Joe Wong. 2018. *Denied Work: An Audit of Employment Discrimination on the Basis of Gender Identity in Asia*. Bangkok: Asia Pacific Transgender Network.

The Yogyakarta Principles (YP). 2006. Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity. *Yogyakarta*. Available online: <http://yogyakartaprinciples.org/> (accessed on 3 April 2020).

The Yogyakarta Principles Plus 10 (YP+10). 2017. Additional Principles and State Obligations on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles. Geneva. Available online: <http://yogyakartaprinciples.org/> (accessed on 3 April 2020).

© 2021 by the author. Licensee MDPI, Basel, Switzerland. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<http://creativecommons.org/licenses/by/4.0/>).