

# Instructor's Manual

**Gender Equality and Human Rights in the United States**



**Leitner Center**

for International Law and Justice

AT FORDHAM LAW SCHOOL, NEW YORK CITY

This Instructor's Manual is one part of a three-part Educator's Toolbox.

The Educator's Toolbox is comprised of three separate instructional media: an Instructor's Manual, an Instructional PowerPoint, and a Student Workbook.

### Note to Instructors

Thank you for accessing our Educator's Toolbox on Gender Equality and Human Rights in the United States. The Educator's Toolbox contains three elements that are designed to be used together:

1. Instructor's Manual
2. Instructional PowerPoint
3. Student Workbook

The Educator's Toolbox is designed to be used with a high school audience and does not need to be taught all at once; it may be taught in smaller increments as stand-alone modules.

The Instructor's Manual is the most authoritative document of the three, containing information pertaining to Gender Equality and Human Rights in the United States.

The Instructional PowerPoint is a slide version of the modules contained in the Instructor's Manual and is intended to be used as a teaching aid, if desired.

The Student Workbook contains exercises and activities that reinforce the lessons in the Instructor's Manual and correspond by section number. The Student Workbook provides exercises that instructors can assign to students individually (as a homework assignment, for example) and is not intended as a stand-alone document, as the Instructor Manual contains important information not contained in the Student Workbook.

Instructor Notes and other tips and recommendations addressed specifically to instructors are contained in dashed text boxes, such as this one.

Upon completion of the course, we encourage instructors to provide a copy of this Instructor's Manual to their students.

We hope this Educator's Toolbox provides a valuable teaching aid on the topic of Gender Equality and Human Rights in the United States. While all of the included information is important, this manual need not be read as a script. The Educator's Toolbox is intended to be a resource for teachers to use as they see fit.

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# Introduction

## Introductory Note: Framing Gender

The Gender Equality and Human Rights Educator's Toolbox is designed to explore the concepts of gender equality and gender-based discrimination in the United States and worldwide, with particular emphasis on the systemic oppression of women and girls (including those who experience intersecting oppressions) and LGBTQI+ people.

Before we get started, let's first establish how we are framing our discussion of "gender." The field of gender studies helps us identify and question how society shapes our understanding of what it means to be a woman, what it means to be a man, what it means to not identify as either a man or woman, and our diverse sexualities.

Our modules will unpack concepts at the intersection of gender studies and human rights in six modules.

### Module 1: Introduction to Gender Theory

- ❖ Section 1.1: Gender as a Social Construction
- ❖ Section 1.2: Gender Norms and Stereotypes
- ❖ Section 1.3: Introduction to Gender Inequality and Patriarchy
- ❖ Section 1.4: Concept of Masculinities
- ❖ Section 1.5: Introduction to LGBTQI+ Identities

### Module 2: Introduction to Human Rights

- ❖ Section 2.1: Human Rights Principles
- ❖ Section 2.2: Human Rights and International Law
- ❖ Section 2.3: Women's Rights as Human Rights in International Law
- ❖ Section 2.4: LGBTQI+ Rights as Human Rights in International Law
- ❖ Section 2.5: Human Rights and the United States Constitution

### Module 3: Feminism

- ❖ Section 3.1: Defining Feminism
- ❖ Section 3.2: Feminism Throughout History

### Module 4: Gender-Based Violence and Harassment in the United States

- ❖ Section 4.1: Intimate Partner Violence
- ❖ Section 4.2: Workplace Sexual Harassment
- ❖ Section 4.3: Sexual Violence

## Module 5: Intersectional Discrimination & LGBTQI+ Equality in the United States

- ❖ Section 5.1: The Need for an Inclusive Vision of Society
- ❖ Section 5.2: Introduction to the Feminist Concept of Intersectionality
- ❖ Section 5.3: Examples of Intersectional Discrimination in the United States and Progressive Legislation, Judgments, and Activism that Seek to Address These Harms
- ❖ Section 5.4: LGBTQI+ Equality in the United States
- ❖ Section 5.5: Progressive Legislation and Judgments Seeking to Advance LGBTQI+ Equality

## Module 6: Methods of Youth-Led Gender Justice Advocacy

- ❖ Section 6.1: Modes and Methods of Activism

### Instructor's Note: Establishing Ground Rules for Respectful Discussion

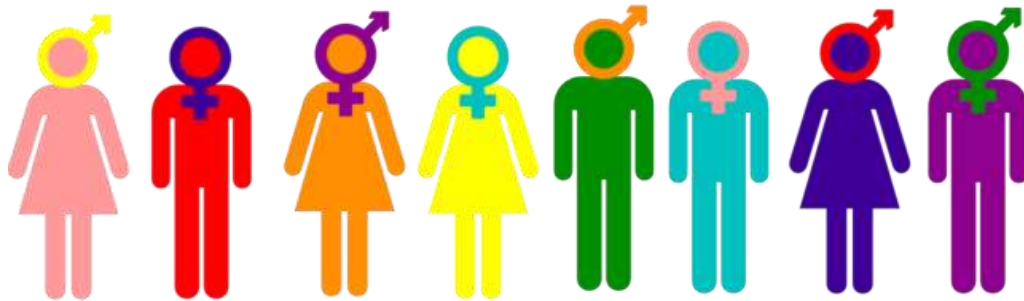
Before engaging your students with this material, we recommend that you take the time to create a safe space for all the conversations, ideas, and topics you and your students will discuss by establishing ground rules for respectful discussion, which will contribute to building a trusting environment.

We recommend asking students to volunteer ground rules for respectful discussion of these topics. Write these ideas on a chalkboard or dry-erase board. Whenever engaging students with this material, remind them of the ground rules.

Sample ground rules include:

- Allow everyone to share their views and listen to their opinions, don't interrupt
- Don't deny other opinions, respond to them
- If something is unpleasant/uncomfortable, you're always free to leave the room/take a break
- Be honest with what you don't understand
- Keep an open mind, enter into the dialogue with the expectation of learning something new

## Module 1: Introduction to Gender Theory



### Module Summary

In Module 1: Introduction to Gender Theory, we will first discuss the concept of gender as a social construction. Then, we'll discuss gender norms and stereotypes and provide an introduction to gender inequality and patriarchy. Finally, we'll discuss the concept of masculinity and provide an introduction to LGBTQI+ identities.

### Module Contents

- ❖ Section 1.1: Gender as a Social Construction
- ❖ Section 1.2: Gender Norms and Stereotypes
- ❖ Section 1.3: Introduction to Gender Inequality and Patriarchy
- ❖ Section 1.4: Concept of Masculinities
- ❖ Section 1.5: Introduction to LGBTQI+ Identities

## SECTION 1.1: GENDER AS A SOCIAL CONSTRUCTION

Gender is socially constructed and usually refers to the social identities, relationships and opportunities between and among women and men. Before we talk more about gender specifically as a social construction, it is important to first understand what a “social construct” is and how it works to shape our ideas of society and the human experience.

Many of the identities, behaviors, and practices that we accept as “normal” are not inherently natural to the human experience. These socially constructed ideas and practices have been normalized over time and have become our reality. For example, the idea of a nation is not natural, we create it. Our understanding of the United States as a country and its values have changed over the course of history.

Societies create acceptable and unacceptable identities and behaviors for their respective citizens. The borders of contemporary African states, for instance, were the result of the drawing of arbitrary boundaries by European colonialists. These constructed realities have both social and political meaning.

While these ideas/practices may seem beneficial to us, they are sometimes harmful and limiting.

They can restrict and limit societies and citizens, which might lead to discrimination, including societal punishment as well as verbal and physical harassment against those who don't comply with the norms and rules the society has socially constructed. As a result, our personal freedoms and choices can become limited, which can affect the quality of our lives.

It is important to remember that historically, many societies have interpreted very narrowly what it means to be a man/boy or a woman/girl and based on that, have assigned us gendered roles and responsibilities that provide limited, if any, choice on how to meet those expectations.

Now we will unpack how gender specifically is socially constructed.

### **What does it mean for gender to be socially constructed?**

What does this mean? We will break this down further into four main points.

- Gender is not the same thing as biological/assigned sex. Biological Sex is a label — male or female — that you're assigned by a doctor at birth based on the reproductive genitals you're born with and the chromosomes you have. It goes on your birth certificate. Instead of saying “biological sex,” some people use the phrase “assigned male at birth” or “assigned female at birth.” This acknowledges that someone (often a doctor) is

making a decision for someone else. The assignment of a biological sex may or may not align with what's going on with a person's body, how they feel, or how they identify.

- Gender is learned. What society expects of people according to their gender is learned from what parents teach their children, what people learn at school and through religious teachings, cultural teachings, and the media.
- Gender often determines the societal and personal roles a person is expected to play. A person's gender prescribes the roles, behaviors, and responsibilities that they are expected to take on in their public and private lives. When gender roles and expectations are strict, those who break expectations may be punished or shunned from their society and communities. Gender norms refer to the socially acceptable way of acting for a specific gender.
- Sexual orientation is different from gender identity. Sexual orientation is about who you're attracted to romantically and sexually. It's different than gender identity. Gender identity isn't about who you're attracted to, but about who you ARE. This means that being transgender (when your assigned sex at birth does not align with the gender you identify with) isn't the same thing as being gay, lesbian, or bisexual. Sexual orientation is about who you want to be with. Although gender -- social meanings attached to womanhood and manhood are constructed by society -- gender identity is about who you are inside your own mind.

Gender norms and expectations vary across societies and throughout history.

Instructor's Note

There is no corresponding activity for Section 1.1 in the Student Workbook.

## SECTION 1.2: GENDER NORMS AND STEREOTYPES

This section discusses gender norms and stereotypes.

Instructor's Note: Student Activity

[Estimated completion time: 10 minutes.]

The Student Workbook contains an exercise, Activity: Solve the Following Riddle that may be conducted as an individual written exercise or group activity.

Consider the following riddle:

A man and his son are driving in a car one day, when they get into a fatal accident. The man is killed instantly. The boy is knocked unconscious, but he is still alive. He is rushed to the hospital,



and in need of immediate surgery. The doctor enters the emergency room, looks at the boy, and says...

"I can't operate on this boy; he is my son."

*[Ask participants:] How is this possible? [Give participants a minute to think about it before taking a volunteer answer]*

*[Correct Answer:] The doctor is the boy's mother.*

*How many people thought the doctor in the story could be the boy's mother? [Ask for a show of hands.] This riddle has been told to illustrate how common gender stereotypes are in our society, which in this case is the stereotype of thinking "doctor" implies "man."*

Gender stereotypes are assumptions made about people based on their gender. Gender norms refer to the way society expects people to act, speak, dress, groom, and conduct themselves based on their assigned sex at birth. For example, women are generally expected to dress in feminine ways and act polite and nurturing, while men are generally expected to be stronger and more assertive.

As we saw from the initial riddle, people are quick to gender professions and assume that teachers and nurses are women, but doctors and engineers are men. Women are expected to take the primary role in the care of the children and upkeep of the home, while men are expected to work and be the primary economic breadwinners in their families.

As was noted earlier, what society expects of people according to their gender is learned from what parents teach their children, what people learn at school and through religious teachings, cultural teachings, societal influences, and the media.

Gender norms are learned. People often face pressures to conform to traditional gender norms at home and may face condemnation by society for not adapting to the binary gender system. LGBTQI+ men and women also face stigma and discrimination for not conforming to stereotypical gender roles. Additionally, queer women who do not present as feminine, and queer men who do not present as masculine, can be incorrectly viewed as abnormal and face discrimination because they do not conform to the stereotypical feminine or masculine ideals.

#### Activity: Gender Norms and Stereotypes in Advertisements

[Estimated completion time: 45 minutes.]

*[Screen each advertisement one-by-one and allow students in the small breakout groups to discuss the following questions for 5 minutes before asking the class as a whole to discuss for an additional 5 minutes.]*

What are the gender norms and stereotypes reflected in this ad?

**Huggies “Dad Test”:** <https://www.youtube.com/watch?v=j7kX8ZKylD4>

**contrast with Pampers “Stinky Booty”:** <https://www.youtube.com/watch?v=-aCcnkWV6yo>

*In the Huggies “Dad Test” ad, men are portrayed as incompetent when it comes to the care of their children. The ad puts Huggies products up to the dad test- “the toughest test imaginable.” The father in the ad fumbles with basic tasks and overall, just makes a mess of things. The ad reinforces the idea of women as the primary caretakers of children and men as incompetent caretakers. On the other hand, and in contrast, in the Pampers “Stinky Booty” ad, men appear at ease, singing while they change their baby’s diapers. No mothers are in the ad at all and there is no suggestion that the men do not know how to care for their child. Their actions are not characterized as exceptional or special.*

**Hyundai Kevin Hart “First Date”:** <https://www.youtube.com/watch?v=VQItMZ9WGV0>

*In this ad, Kevin Hart portrays an overly protective, shot-gun dad who follows his daughter while she goes on a date. It ends with the phrase “a dad gotta do what a dad gotta do.” The ad could be interpreted in different ways: 1) Kevin Hart should protect his daughter from the very real threat of sexual assault and harassment when she goes on a date, or 2) Kevin Hart’s desire to protect his daughter comes from the idea that he “owns” her. The image of the father with his shotgun to ward off potential dates for his daughter has been around for generations. Here, the shotgun is a car that can track his daughter’s every move. It limits young women’s ability to make decisions about their own sexuality and perpetuates stereotypes of women as weak and unable to protect themselves.*

**Volkswagen “When We Learn to Adapt We Can Do Anything”**

<https://www.youtube.com/watch?v=JyaHzY-8AD4>

*In this ad, the viewer is told that with hard work and determination, “we can achieve anything.” However, the women in the commercial are only shown performing domestic tasks, such as making sandwiches, doing laundry, and taking a baby to the park. Also, the only time that we see a woman’s face is at the very end of the commercial. In contrast, the men in the commercial are allotted more time on screen and they are shown as capable of being astronauts and impressive athletes. This ad reinforces the stereotype that household work is “women’s work,” and that this work is less important than labor completed by men. Women in the ad should also be shown performing a variety of activities.*

**Fiat “500 S - Tested for Bad Boys”**

<https://youtu.be/3YBhftZSlbM>

*In this commercial, workers at an automobile manufacturing facility test a Fiat’s sound qualities and durability by slamming the passenger door, kicking the tire, and striking the hood of the car with a handbag. The commercial cuts to a scene between a man and a woman in the car. The woman shouts at the man, gets out of the car by slamming the door, kicks the tire, then hits the*

hood with her handbag. The voiceover then says, over footage of city driving, “The new 500S, tested for bad boys.” The commercial reinforces the stereotype of the “irrational” and “crazy” girlfriends who are unable to control their emotions. The commercial also suggests that “bad boys” - including those who treat their girlfriends poorly - are desirable and that it’s “cool” to do so.

### **Nike “Dream Crazier”**

<https://www.youtube.com/watch?v=zWfX5jeF6k4>

*This Nike commercial features a montage of sports moments featuring female athletes. The voiceover comments on how female athletes who “show emotion are called ‘dramatic,’” how female athletes who “want to play against men, are ‘nuts’” and how women “who stand for something, are ‘unhinged,’” among other stereotypes. Then, the commercial turns the stereotype around and describes how at first, “a woman running a marathon was crazy, a woman boxing was crazy,” and other athletic feats “crazy, crazy, crazy.” Coupled with inspirational music, the voiceover concludes by saying, “So if they want to call you ‘crazy,’ fine. Show them what crazy can do.” The commercial turns a stereotype - that women who are passionate about sports are ‘crazy’ - on its head and owns the description of ‘crazy’ as a positive description of a female athlete who will break boundaries, demolish records, and inspire others.*

*Media representations that challenge gender stereotypes help create broader possibilities for what individuals can do.*

### **Post-Activity Discussion:**

*[First, ask students and take individual volunteers]: Why are gender stereotypes harmful?*

*[Second, reinforce the below points once students provide their responses.]*

- *Gender stereotypes can lead us to have a narrower sense of ourselves – how we can behave, who we can be, the opportunities given to us, and the decisions we can make.*
- *Gender stereotypes can lead to society having a narrower sense of what individuals can do.*
- *Stereotypes do not need to be hostile or negative to be harmful. Seemingly benign stereotypes like “women are inherently more nurturing” can lead to limiting individuals’ choices.*
- *By expanding the roles of both men and women, and people who identify as neither men nor women, the narrow definitions and stereotypes of masculinity and femininity can be changed to include a broader vision of the capacity of all people within society.*

## SECTION 1.3: INTRODUCTION TO GENDER INEQUALITY AND PATRIARCHY

### Key Definitions: Gender Equality, Gender Inequality, Gender Discrimination, and Patriarchy

Gender equality refers to rights, responsibilities, and opportunities being equal between women, men, and gender non-conforming people.

Gender inequality refers to unequal treatment or accumulation of power based on prescribed gender roles. Gender inequality occurs both in public life (at school or at work) and in private life (in the home).

Gender discrimination refers to the prejudicial treatment of one gender, often meaning that one gender has limited access to rights and are punished for acting outside of their accepted gender role.

Patriarchy is the control by men of a much larger share of power in society than by women.

Historically and in contemporary society, gender roles have been constructed to benefit men. This inequality, and the discrimination that flows from it, is called patriarchy. Patriarchy is the control by men of a much larger share of power in society than by women. This is not to say that each individual man controls each individual woman, but rather that the majority of power in society is controlled by men. Worldwide, women and girls face greater violence and discrimination as a result of continuing patriarchy and gender inequality. Sexual, physical, and verbal abuse are common forms of gender-based discrimination, because they disproportionately affect women more than men.

One way we can measure and understand the systemic impact of gender-based discrimination and gender inequality is by looking at statistics, which help measure trends and changes in society.

Instructor's Note: Student Activity  
[Estimated completion time: 10 minutes.]

The Student Workbook contains an exercise, Activity: Gender Inequality 'True' and 'False.'

After the students have conducted the activity (either in class or for homework), provide them with the correct answers and associated statistics.

Question 1. Worldwide, only 50% of working-age women are in the formal labor force.  
**True.** In 2015, only 50% of working-age women were in the labor force, compared to 77% of

working-age men.<sup>1</sup>

Question 2. Close to half of all women in the U.S. have experienced some form of intimate partner violence.

**True.** About 45.6% of U.S. women have experienced intimate partner violence. Young women are disproportionately affected - 71.1% of women who experience IPV are under the age of 25.<sup>2</sup>

Question 3. About 10% of men in the U.S. have experienced some form of intimate partner violence.

**False.** Nearly a third of men (33.6% or 37.3 million) experienced some form of intimate partner violence (contact sexual violence [rape, being made to penetrate someone else, sexual coercion, and unwanted sexual contact], physical violence, and/or stalking by an intimate partner) in their lifetime.<sup>3</sup>

Question 4. About 50% of women in the U.S. have experienced some form of sexual violence (including rape, being made to penetrate someone else, sexual coercion, and unwanted sexual contact) in their lifetime.

**True.** 43.6% of women in the U.S. (nearly 52.2 million) experienced some form of sexual violence in their lifetime.<sup>4</sup>

Question 5. The United States has the highest rate of female incarceration in the world.

**True.** 30% of incarcerated women worldwide are incarcerated in the United States, despite the fact that women in the United States only make-up 4% of the global female population.<sup>5</sup>

Question 6. In the United States, queer women are more likely to become incarcerated than straight women.

**True.** 42% of women in prison identify as lesbian or bisexual.<sup>6</sup> Lesbian and bisexual women are 8-10 times more likely to be incarcerated than straight women.<sup>7</sup> 40% of girls in the

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<sup>1</sup> United Nations Statistics Division, *The World's Women 2015: Chapter Four: Work*  
<https://unstats.un.org/unsd/gender/worldswomen.html>

<sup>2</sup> CDC's National Intimate Partner and Sexual Violence Survey,  
<https://www.cdc.gov/violenceprevention/datasources/nisvs/summaryreports.html>.

<sup>3</sup> National Center for Injury Prevention and Control, CDC, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2015 Data Brief – Updated Release*, 9 (2018)

<sup>4</sup> National Center for Injury Prevention and Control, CDC, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2015 Data Brief – Updated Release*, 2 (2018)

<sup>5</sup> Grace Hong, *Feminist Anti-Carceral Studies*, UCLA CENTER FOR THE STUDY OF WOMEN (2019).  
[HTTPS://CSW.UCLA.EDU/CSWRESEARCH/FEMINIST-ANTI-CARCERAL-STUDIES/](https://CSW.UCLA.EDU/CSWRESEARCH/FEMINIST-ANTI-CARCERAL-STUDIES/)

<sup>6</sup> Moreau, Julie. "Overwhelming Number of Lesbians, Bisexual Women Incarcerated." March 2017. *NBC News*.  
<https://www.nbcnews.com/feature/nbc-out/overwhelming-number-lesbians-bisexual-women-incarcerated-n728666>

<sup>7</sup> *Id.*

juvenile justice system identify as LGBTQI+ and/or gender-nonconforming.<sup>8</sup>

Question 7. Immigrant women in the U.S. have higher infant mortality rates than U.S.-born women.

**False.** Interestingly, immigrant women in U.S. actually have lower rates of infant mortality than U.S.-born women.<sup>9</sup> This comes despite the fact that immigrant women are much less likely to be insured than U.S.-born women and must often deal with language and cultural barriers when accessing healthcare.

Question 8. Teenage girls and teenage boys are equally likely to be victims of revenge porn (i.e. to have their sexually explicit photos shared without consent).

**False.** Teenage girls are nearly twice as likely to be victims of revenge porn. Approximately 9% of teenage girls have had their own sexually explicit photos shared without their consent, compared to 5% of male teenagers.<sup>10</sup>

Question 9. About 5% of women in the U.S. live with a disability.

**False.** 12.8% of women in the US live with a disability; the national average of Americans (including males) living with a disability is 12.7%.<sup>11</sup> Persons with disabilities constitute the world's largest minority group.<sup>12</sup>

Question 10. A woman with a disability is as likely to be employed as a woman without a disability.

**False.** Only 28.3% of women with a disability in the civilian labor force (able and willing to work) were employed in 2018, compared to 68% of women without a disability.<sup>13</sup>

Question 11. 90% of employees who experience harassment never file a complaint.

**True.** Additionally, 75% never complain to their employers.<sup>14</sup>

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<sup>8</sup> Griffith, Daiana. "LGBTQ Youth are at Greater Risk of Homelessness and Incarceration." January 2019. *Prison Policy Initiative*. [https://www.prisonpolicy.org/blog/2019/01/22/lgbtq\\_youth/](https://www.prisonpolicy.org/blog/2019/01/22/lgbtq_youth/)

<sup>9</sup> Katherine Harmon, *Immigrant Moms Typically Have Lower Infant Mortality Rates Than U.S.-born Mothers*, Scientific American (July 8, 2011), <https://blogs.scientificamerican.com/observations/immigrant-moms-typically-have-lower-infant-mortality-rates-than-u-s-born-mothers>.

<sup>10</sup> Anderson, Monica. "A Majority of Teens Have Experienced Some Form of Cyberbullying." pp. 2. *Pew Research Center*. September 2018. [https://www.pewinternet.org/2018/09/27/a-majority-of-teens-have-experienced-some-form-of-cyberbullying/pi\\_2018-09-27\\_teens-and-cyberbullying\\_0-01/](https://www.pewinternet.org/2018/09/27/a-majority-of-teens-have-experienced-some-form-of-cyberbullying/pi_2018-09-27_teens-and-cyberbullying_0-01/).

<sup>11</sup> Centers for Disease Control and Prevention (CDC), *CDC: 1 in 4 US Adults Live with a Disability*, Press Release (Aug. 16, 2018), <https://www.cdc.gov/>.

<sup>12</sup> US Agency for International Development, *Advancing Women and Girls with Disabilities*, <https://www.usaid.gov/> (accessed Sept. 22, 2019).

<sup>13</sup> Bureau of Labor Statistics, *Economic News Release*, Table A-6 (Sept. 6, 2019), <https://www.bls.gov/news>.

<sup>14</sup> U.S. Equal Employment Opportunity Commission, *2016 EEOC Select Task Force on the Study of Harassment in the Workplace*, Task Force (Jun. 2016) [https://www.eeoc.gov/eeoc/task\\_force/harassment/report.cfm](https://www.eeoc.gov/eeoc/task_force/harassment/report.cfm).

## SECTION 1.4: CONCEPT OF MASCULINITIES

Because we live in societies largely controlled by men, it is easier to spot how gender norms and stereotypes affect women. However, the field of gender studies has expanded over the past 20 years to understand how strict ideas of masculinity also negatively affect and can be harmful to men as well. This field is called masculinities studies.

### Key Definition: Masculinity

Masculinity refers to social constructions of manhood, or how society shapes and defines what it means to be a man. Masculinity, or manhood, varies across time in history and global communities, because societal expectations change based on place and time.

Masculinity can be defined by things including manners of speech, behaviors and conduct, social interactions, and the division of public and private tasks which are deemed proper for men versus women.

Historically, characteristics associated with masculinity have been prioritized and valued within patriarchal societies, especially in professional environments, and have traditionally been considered superior over feminine characteristics.

There is no single definition of what it means to “be a man,” or to be “masculine.” Masculinity, like femininity, is something that is socially created. There is no such thing as “the one right way to be a man” just as there is no such thing as “the one right way to be a woman.” The further away a man is from always acting like the “ideal man” according to strict societal ideas, the more likely he will experience discrimination.

### Key Concepts: Dominant Masculinity and Toxic Masculinity

Societies usually have a dominant form of manhood, or the “right way to be a man.” The dominant masculinity in society is usually made up of traits that often do not overlap with social constructions of femininity, including things like being the breadwinner and excelling in your career, not showing emotions, being highly sexual, and proving one’s heterosexuality via homophobia.

Toxic masculinity is a term that is used to describe a form of masculinity that limits the range of allowable emotional expression for boys and men to anger, aggression, and dominance.

Men who fit society’s idea of “the right way to be a man,” are rewarded with power and social approval. The harmful effect of having a narrow definition of manhood is that any characteristic or trait that does not fall within the main idea of being a man is thought of as inadequate or inferior, which results in stigma against men who fall outside approved forms of expressing manhood.

Those who do not conform are often seen as “less than a man.” Men who embody alternative ways to be a man might, for example, find it more difficult to find a romantic partner or advance in their careers. This can be particularly hard for further marginalized trans and gay men, who face additional discrimination because of their gender identity and sexuality.

The international community has made strides in incorporating men more actively in gender equality work, with the understanding that gender equality benefits everyone.

Instructor’s Note: Student Activity  
[Estimated completion time: 15 minutes.]

The Student Workbook contains an exercise, Activity: Masculinity in the United States.

*What are examples of the types of masculinity and masculine norms in the United States?  
What happens to men who do not fit those norms?*

After the students have conducted the activity (either in class or for homework), ask them to share their written responses. Use student answers to conduct a discussion of masculinity in the United States.

## SECTION 1.5: INTRODUCTION TO LGBTQI+ IDENTITIES

There are diverse sexualities and gender identities in every society. Queer studies or LGBTQI+ studies is the study of topics relating to diverse sexual orientations and gender identities.

### Key Definitions: LGBTQI+ and Queer

LGBTQI+ is a common abbreviation for diverse sexualities and gender identities, including lesbian, gay, bisexual, transgender, intersex, and queer people.

Queer is an umbrella term used to capture all of the diverse, fluid, and various sexual orientations and gender identities. It is often used interchangeably with LGBTQI+.

### Definitions of Sexual Identities

The “LGB” in “LGBTQI+” refers to diverse sexualities.

Lesbian women	Women who are physically, sexually, and/or romantically attracted to other women.
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Gay men	Men who are physically, sexually, and/or romantically attracted to other men.
Bisexual person	A person who is physically, sexually, and/or romantically attracted to both men and women.
Pansexual person	A person who has the capacity to be physically, sexually, and/or romantically attracted to people regardless of their gender, gender identity or assigned sex (including men, women, and gender nonconforming people).
Intersex Person	<p>An <u>intersex</u> person may have the sexual anatomy, reproductive anatomy, or chromosome pattern that is not typically classified as either male or female.</p> <p>For example, a person assigned as chromosomally male at birth has XX chromosomes and a person assigned as chromosomally female at birth has XY chromosomes.</p> <p><i>In another example, someone may have XY chromosomes and be chromosomally male but their body does not respond to male hormones and therefore they physically appear female.</i></p>

## Gender Identities

Gender identity is different from sexual orientation. Some people's assigned sex at birth and gender identity are in line with each other. These people are called cisgender. Other people's assigned sex at birth is different than their gender identity. These people are transgender.

In many societies today, the dominant ideology of gender consists of the gender binary: male and female. There are some people that do not want any gender assigned to them, so they identify as gender nonconforming. People who identify as genderqueer reject conventional gender norms and identify as neither or a combination of both male and female genders. There have been examples throughout history of societies that readily accepted a third gender, genderless people, or many-gendered people.

Gender pronouns also play an important role in affirming our gender identity. A gender pronoun is the pronoun that a person uses for themselves that is associated with the gender they identify with. Commonly used "female" pronouns are "she/her/hers." Commonly used "male" pronouns are "he/him/his." There are gender-neutral pronouns in use as well, for people who do not associate with either male or female. They/them/theirs are common examples.

*[Ask if anyone would like to add to the definitions we've reviewed and/or suggest other terms under the queer umbrella that we haven't covered. Write them on a flip chart.]*

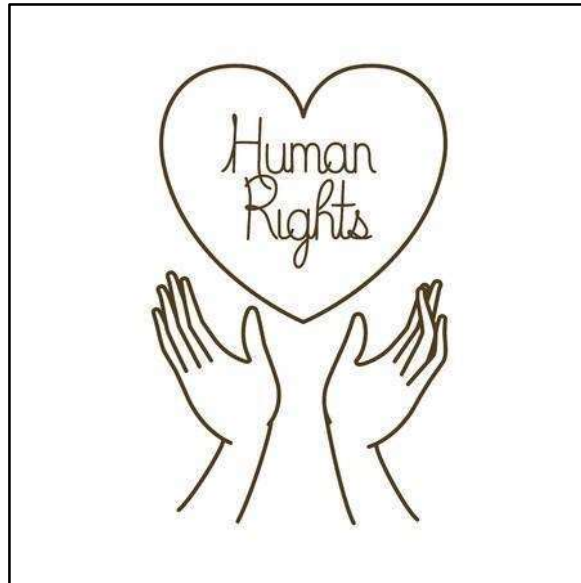
Activity: Short Discussion

[Estimated completion time: 10 minutes.]

*[Provide the following question to students to discuss in their small breakout groups or to students individually as a writing assignment.]*

LGBTQI+/Queer communities have been expanding our understanding of sexuality and gender identity. What do you think is the societal benefit of these expanded ideas about sexuality and gender identity?

## Module 2: Introduction to Human Rights



### Module Summary

In Module 2: Introduction to Human Rights, we'll first explore human rights in the context of international law, women's rights, and LGBTQI+ rights. Then, we'll compare human rights and key United States documents.

### Module Contents

- ❖ Section 2.1: Human Rights Principles
- ❖ Section 2.2: Human Rights and International Law
- ❖ Section 2.3: Women's Rights as Human Rights in International Law
- ❖ Section 2.4: LGBTQI+ Rights as Human Rights in International Law
- ❖ Section 2.5: Human Rights and the United States Constitution

## SECTION 2.1: HUMAN RIGHTS PRINCIPLES

### Key Definition: Human Rights

Human rights are the rights that everyone is entitled to simply because they are human beings. Human rights protect fundamental rights and dignity, and everyone is entitled to these rights without discrimination.

Human rights have certain characteristics, including:

- Human rights are based on respect for the dignity and worth of each person.
- Human rights are universal, which means the rights are applied to all human beings without any discrimination, regardless of any social or biological traits, i.e. race, ethnicity, nationality, language, sex, sexuality, religion, etc.
- Human rights are inalienable, meaning rights of an individual cannot be taken away without any specific reason.
- Human rights are inherent, meaning that they are not granted by any person or authority but instead are inherent to the individual.

#### Instructor's Note: Student Activity

[Estimated completion time: 10 minutes.]

The Student Workbook contains an exercise, Activity: Identifying Human Rights.

*Look at the picture below and answer the following questions.*



*What does this baby need to thrive throughout their life? What will they need to fully develop as a human being? Write a short list in the space provided.*

After the students have conducted the activity (either in class or for homework), ask them to share their written responses.

Next, compare the students' lists with a list of recognized substantive human rights [see list below] from the "International Bill of Rights" which includes (1) the Universal Declaration of Human Rights, (2) the International Covenant on Civil and Political Rights (ICCPR), and (3) the International Covenant on Economic Social Cultural Rights (ICESCR).

Then match the rights with the examples discussed by the students (for example, if a student said "education," affirm that the human rights corpus does indeed recognize a "right to education"). Explain how many (if not all) of the things the students themselves believe are important and essential to being human are in fact recognized by international human rights law.

\*List of Substantive Human Rights [not exhaustive]:

- Right to Life
- Right to Liberty and Security
- Freedom of Movement
- Right to Fair Trial
- Right to Privacy, Family, Home
- Freedom of Religion
- Equality Before Law
- Right to Education
- Right to Work
- Right to Physical and Mental Health
- Right to Vote
- Freedom of Association
- Freedom of Expression

## SECTION 2.2: HUMAN RIGHTS AND INTERNATIONAL LAW

Human rights are expressed in international law. International human rights law defines governments' obligations to undertake certain actions and to refrain from taking certain actions in order to promote and protect human rights.

The largest international institution that enshrines and enforces human rights obligations is the United Nations (UN), which currently has 193 member states. The United Nations was founded after the atrocities of World War II with the aspiration to avoid future wars through diplomacy and dialogue between nations.

Since its inception, the international community has adopted numerous international treaties on human rights, covering such issues as political rights, economic rights, women's rights, racial discrimination and children's rights. When countries become parties to these treaties, they accept an obligation to protect the rights included in them. When country violations occur, the UN reviews them and makes recommendations to improve the situation. United States law

provides that treaties do not automatically become part of domestic United States law. The President has the power to make treaties, which must then be approved by two-thirds of the Senate to gain effect.

The status of the United States with regard to the following treaties is:

Treaty Name	Acronym	Signed by the U.S.?	Ratified by the U.S.?
<b>International Covenant on Civil and Political Rights</b>	ICCPR	✓	✓ (1992)
<b>International Covenant on Economic, Social and Cultural Rights</b>	ICESCR	✓ (1977)	?
<b>Convention on the Elimination of All Forms of Discrimination against Women</b>	CEDAW	✓ (1980)	?
<b>Convention on the Rights of Persons with Disabilities</b>	CRPD	✓ (2009)	?
<b>International Convention on the Elimination of All Forms of Racial Discrimination</b>	ICERD	✓	✓ (1994)
<b>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</b>	CAT	✓	✓ (1994)
<b>Convention on the Rights of the Child</b>	CRC	✓ (1995)	?

Instructor's Note: Student Activities

[Estimated completion time: 15 minutes per activity.]

The Student Workbook contains two exercises, Activity: Human Rights and World War II and Activity: Debate the Origin of Human Rights.

*Consider the nature of World War II as a global conflict that involved millions of people across much of the world. Why do you think the international community decided to establish the United Nations in the period immediately following World War II? Write a short response in the space provided.*

After the students have conducted Human Rights and World War II (either in class or for homework), ask them to share their written responses.

Next, discuss the major purpose of the United Nations: the promotion of peace and security. World War II was the deadliest military conflict in world history, resulting in 70 to 85 million casualties worldwide. After World War II, global leaders saw the need for a strengthened international body (to replace the League of Nations, the precursor to the United Nations) that would help avoid another global conflict. Two major tenets of the United Nations are:

- the desire to prohibit war, and
- the emphasis that the United Nations be based on consent (requires participation from each state).

Reflecting on the atrocities resulting from World War II, the United Nations Charter contains strong human rights wording, particularly in the *Preamble*.

Then, divide the students into two groups for Debate the Origin of Human Rights. Allow time for the students to prepare their arguments before they debate whether human rights are inherent in being human or are dependent on being written down and enforced by the United Nations.

## SECTION 2.3: WOMEN'S RIGHTS AS HUMAN RIGHTS IN INTERNATIONAL LAW

In 1979, the United Nations General Assembly adopted a binding international treaty on women's rights, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The adoption of CEDAW acknowledged that despite prior attempts to recognize women's rights as human rights, women around the world continued to face discrimination and lack equality.

The Convention includes information to guide states in eliminating discrimination against women. Furthermore, the Convention recognizes that temporary special measures may be needed to secure equality for women and encourages an active approach by states to combat discrimination. Finally, the Convention articulates a need for states to eradicate harmful social, cultural and traditional practices that can prevent the full realization of women's rights.

The United States has not ratified this treaty and seems unlikely to do so due to partisan divides. Accordingly, the U.S. is not bound by this international agreement, which requires its signatories to work towards eliminating all forms of discrimination against women and girls.

Instructor's Note: Student Activities

[Estimated completion time: 15 minutes per activity.]

The Student Workbook contains two exercises, Activity: Perspectives on Ratifying CEDAW and Activity: Debate on CEDAW.

*Consider the advantages and disadvantages of the United States ratifying the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Why might some Americans oppose ratification? Why might others support ratification? Write two short lists in the space provided.*

After the students have conducted Perspectives on Ratifying CEDAW (either in class or for homework), ask them to share their written responses.

Next, discuss the advantages and disadvantages of ratifying CEDAW. Note that today, 189 states have ratified the treaty. The United States is not one of them. This makes it the “only country in the Western Hemisphere and the only industrialized democracy that has not ratified this treaty.” [A Fact Sheet on CEDAW: Treaty for the Rights of Women, Amnesty Int'l (Aug. 25, 2005).] Then, provide some examples of advantages (pros) and disadvantages (cons) of the United States ratifying CEDAW.

Advocates of ratifying CEDAW might say:

- Ratifying CEDAW will help advance political and economic equality for women in the United States, as women in this country have not yet achieved full equality.
- Ratifying CEDAW will help in the areas of violence against women and girls and health care.
- Ratifying CEDAW will aid in efforts to monitor discrimination against women.
- Ratifying CEDAW will help educate and influence the attitudes and behaviors of decision-makers towards women's equality.
- Ratifying CEDAW is essential if the United States is to be seen as a global leader in human rights; in failing to ratify this treaty, the United States positions itself as a noncommittal human rights enforcer.

Opponents of ratifying CEDAW might say:

- Ratifying CEDAW may provoke concerns regarding constitutional principles of federalism and limited government.
- Ratifying CEDAW may disrupt the role of women in the home and in society as prescribed by United States tradition and culture (key tenants include one-man, one-woman families and a pro-life stance on the right to choose).



- The potential for individual claims to be brought under CEDAW to better equip women to work full-time jobs or obtain robust reproductive healthcare creates discomfort for those who wish to maintain the “traditional” American values created to keep women silent.
- Liberals that opposed ratification argued that it would not result in meaningful change and would be nothing more than a “symbolic gesture.”

Then, divide the students into two groups of Senators for Debate on CEDAW. Allow time for the students to prepare their arguments before they debate the advantages and disadvantages of ratifying CEDAW.

## SECTION 2.4: LGBTQI+ RIGHTS AS HUMAN RIGHTS IN INTERNATIONAL LAW

LGBTQI+ rights are human rights. The framing of rights for LGBTQI+ persons as human rights has gradually become institutionalized in the United Nations. Starting in the early 1990s, the United Nations repeatedly expressed its concern about discrimination and related human rights violations against LGBTQI+ people. Since the early 2000s, the United Nations treaty bodies have collected and analyzed violations against LGBTQI+ people from around the world.

In 2011, the UN adopted the first specific resolution, or formal statement, on Human Rights, Sexual Orientation and Gender Identity later followed by two more resolutions regarding violence and discrimination against LGBTQI+ individuals and communities. And in 2012, the Human Rights Council held its first panel discussion on the protection of human rights of LGBTQI+ people. This was the inaugural debate of its kind, which focused on ending violence and discrimination against people of a particular sexual orientation or gender identity. Since then, the UN has also appointed an independent expert to travel around the world in order to investigate and report on pressing human rights challenges facing the LGBTQI+ community.

### Instructor’s Note: Student Activity

[Estimated completion time: 20 minutes per activity (dependent on class size).]

The Student Workbook contains two exercises, Activity: Recommendations to UN Independent Expert and Activity: Oral Proposal to UN Independent Expert.

*The UN appointed an independent expert to travel around the world in order to investigate and report on pressing human rights challenges facing the LGBTQI+ community. Pretend that the UN independent expert has asked for your advice in planning their country visit to the United States. What areas or topics do you recommend the UN independent expert investigate with regard to human rights difficulties facing the LGBTQI+ community in the United States?*

After the students have conducted Recommendations to UN Independent Expert (either in class or for homework), ask them to share their written responses. Then, compare the students' answers with the examples below.

Recommendations for investigation to the UN independent expert with regard to human rights difficulties facing the LGBTQI+ community in the United States include:

- Mass incarceration - lesbians, gay men, and bisexuals are three times more likely to be incarcerated than heterosexuals.<sup>15</sup>
- Discriminatory policing - LGBTQI+ youth are 53% more likely to be stopped by the police, 60% more likely to be arrested under the age of 18, and 90% more likely to have a juvenile conviction than heterosexual youth.<sup>16</sup>
- LGBTQI+ youth and homelessness - 40% of homeless youth identify as LGBTQI+.<sup>17</sup>
- Employment discrimination - Approximately 20% of LGBTQI+ Americans say that they have been discriminated against based on their sexual orientation or gender identity when applying for jobs.<sup>18</sup>

Then, provide time for your students to prepare for Oral Proposal to UN Independent Expert. Allow each student a set amount of time (recommendation: two minutes) to present their recommendations orally to the 'UN panel' (the class).

## SECTION 2.5: HUMAN RIGHTS AND THE UNITED STATES CONSTITUTION

### Key Comparison: The Universal Declaration of Human Rights and the U.S. Constitution

Adopted by the United Nations in 1948, the Universal Declaration of Human Rights (UDHR) laid the foundation for international human rights law. The United States played a prominent role in the drafting of the UDHR, and former first lady Eleanor Roosevelt served as chair of the relevant UN commission. Many of the civil/political rights outlined in the UDHR resemble provisions of the United States Bill of Rights and subsequent amendments to the United States Constitution.

Universal Declaration of Human Rights	United States Constitution
<u>Article 2</u>	<u>14th Amendment, Clause 1</u>

<sup>15</sup> Moreau, Julie. "Overwhelming Number of Lesbians, Bisexual Women Incarcerated." March 2017. *NBC News*.

<sup>16</sup> Christy Mallory, Amira Hasenbush, and Brad Sears. "Discrimination and Harassment by Law Enforcement Officers in the LGBT Community." *The Williams Institute, UCLA School of Law*. March 2015.

<sup>17</sup> Griffith, Daiana. "LGBTQ Youth are at Greater Risk of Homelessness and Incarceration." January 2019. *Prison Policy Initiative*.

<sup>18</sup> "Lesbian, Gay, Bisexual, and Transgender Workplace Issues: Quick Take." *Catalyst*. June 2019.

<p>Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.</p> <p style="text-align: center;"><u>Article 6</u></p> <p>Everyone has the right to recognition everywhere as a person before the law.</p> <p style="text-align: center;"><u>Article 7</u></p> <p>All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.</p> <p style="text-align: center;"><u>Article 12</u></p> <p>No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.</p>	<p>All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.</p>
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Articles 2, 6, and 7 of the UDHR are particularly relevant to gender issues, as they guarantee that all people are conferred the rights set forth in the UDHR regardless of gender/sex and that laws must be applied equally without discrimination. These sentiments mirror the Due Process Clause (protection against the government denying your ‘fundamental rights’ related to life, liberty or property) and the Equal Protection Clause (freedom from governmental discrimination) of the 14th Amendment to the United States Constitution. Article 12 of the UDHR, which creates a right to privacy, could be used to advocate for reproductive and LGBTQI+ rights. In the United States, freedoms such as the right to contraceptives and abortion access and marriage equality have found their constitutional basis in the Due Process and Equal Protection Clauses.

However, the UDHR extends beyond the Constitution in guaranteeing economic, cultural, and social rights. The United States Supreme Court has not recognized a right to education or a right to economic security. Articles 23-25 of the UDHR create worker’s rights protections guaranteeing economic welfare such as: the right to work, the right to equal pay, the right to leisure, the right to a living wage, and the right to “special care and assistance” for mothers and children.

<b>Universal Declaration of Human Rights</b>	<b>United States Constitution</b>
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<p style="text-align: center;"><u>Article 23</u></p> <ol style="list-style-type: none"> <li>1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.</li> <li>2. Everyone, without any discrimination, has the right to equal pay for equal work.</li> <li>3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.</li> <li>4. Everyone has the right to form and to join trade unions for the protection of his interests.</li> </ol> <p style="text-align: center;"><u>Article 24</u></p> <p>Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.</p> <p style="text-align: center;"><u>Article 25</u></p> <ol style="list-style-type: none"> <li>1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.</li> <li>2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.</li> </ol>	<p style="text-align: center;">No comparable rights.</p>
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## Key Observation: Adoption and Enforcement of International Human Rights

Despite its influence in the creation of the UDHR, the U.S. has since at times undermined international human rights law through both action and inaction. The U.S. has positioned itself as a noncommittal human rights enforcer by failing to ratify various international treaties. For example, the U.S. has failed to ratify the Convention on the Elimination of All Forms of Discrimination Against Women. Unfortunately, the United States has also violated human rights principles through its conduct in foreign affairs, and has carried out operations overthrowing democratically elected leaders in other countries.

Instructor's Note: Student Activity  
[Estimated completion time: 20 minutes.]

The Student Workbook contains an exercise, Activity: The United States and International Human Rights Law.

Despite its initial leadership role in the human rights movement, why do you think the United States has at times undermined international human rights law by (1) failing to ratify international treaties whose goals align with Constitutional/UDHR values and (2) conducting foreign affairs in ways that violate human rights principles? Write your response in the space provided.

After the students have conducted the activity (either in class or for homework), ask them to share their written responses. Then, compare the students' answers with the examples below.

Possible responses include:

- Resurgence of isolationist politics and rhetoric that places an emphasis on the identity of a particular nation above cohesion with international norms.
- As a politically powerful country, the United States believes it cannot be as easily pressured into adopting treaties as countries with less political clout.
- The United States at times (wrongly) believes that because it is powerful it should be exceptional and not have to answer to international law.
- Politicians may choose to prioritize domestic policy concerns that are relevant to their voter base and impact the lives of their constituents in the United States (i.e., healthcare, taxes, etc.) than to focus on foreign policy that does not directly impact their constituents.
- Politicians may (wrongly) believe that it is reasonable to violate human rights principles under certain circumstances, such as during national security emergencies.

## Module 3: Feminism



### Module Summary

In Module 3: Feminism, we will define feminism and discuss changes of the feminist movement throughout history. Then, we will discuss feminism's interaction with different human rights movements.

### Module Contents

- ❖ Section 3.1: Defining Feminism
- ❖ Section 3.2: Feminism Throughout History

## SECTION 3.1: DEFINING FEMINISM

There are many myths and misconceptions about feminism, such as the following:

- Feminists hate men.
- Feminists want all women to have power over all men.
- Feminists hate women who work in the home.
- Feminists are all against religion.
- A man cannot be a feminist.

Throughout history, there have been many different variations of feminist movements, and people who describe themselves as feminists are an incredibly diverse group who do not always agree on political or social issues. However, there are some characteristics that we should all agree on when it comes to a general definition of the components of feminism. So as individuals, then as small groups, then as a class, try and define what the essential characteristics of feminism are.

### Instructor's Note: Student Activities

[Estimated completion time: 15 minutes per activity.]

The Student Workbook contains two exercises, Activity: What Does Feminism Mean to You? and Activity: Defining Feminism Together. These activities should be completed within close proximity to one another. The students can do the first activity for homework and then come to class ready for the discussion provided by the second activity.

After the students have conducted the first activity (either in class or for homework), ask them to share their written responses in groups and highlight the commonalities between their definitions. Then, match the students' answers with the examples below.

The instructor may identify commonalities from all the groups and share a final definition of feminism that should include the following:

- FEMINISM is the belief in social, political, and economic equality between men, women, and gender non-conforming people.
- FEMINISM involves movements for social change that aim to realize social, political, and economic equality between men, women, and gender non-conforming people.
- To liberate all women and girls, FEMINISM must include a critique not only of patriarchy but also of racism, colonialism, homophobia, transphobia, ableism, xenophobia, economic inequality, and other systems of power and control.

## SECTION 3.2: FEMINISM THROUGHOUT HISTORY

*It is important to discuss the history of feminism as it developed in the United States. Students can note the problems that informed each wave and the challenges faced within each of the movements.*

Over the centuries, there have been many different “waves” of feminist thought. The movement’s history can be divided into three important waves.

### **First wave feminism**

First wave feminism emerged in the late Nineteenth Century and early Twentieth Century in the United States and all over the West. *A Vindication of the Rights of Woman* was written by forerunner to British suffragettes, Mary Wollstonecraft, in 1792. This piece of literature had much influence on the emergence of feminism. It is one of the earliest treatises in the West arguing for political and economic equality between men and women.

During the first wave of feminism, activists were mainly concerned with legal rights, particularly rights furthering women’s suffrage like the right to vote, the opposition to the ownership of married women, and women’s property rights. However, the movement at this point was not advocating for “private rights” such as abortion, reproductive health, etc. It was dominated by white middle class women. In the United States, the first wave of feminism was closely aligned with the abolitionist movement. By 1920, women were granted the right to vote with the passage of the 19th Amendment.

### **Second wave feminism**

Between the 1960s and 1980s in the United States and other parts of the West, second wave feminism concentrated on equality and discrimination with regard to cultural gender roles and political participation. Betty Friedan’s *The Feminist Mystique* was written in 1963 and denounced the isolation of women in the domestic sphere. The second wave of feminism became synonymous with the slogan “the personal is political.” Beyond suffrage, rights linked with reproductive health, equal employment, family life, domestic violence and other issues were raised by feminists demanding for equality. Similar to the demographic of first wave feminists, second wave feminists were dominated by white middle-class women. At the end of the second wave, the “feminist sex wars” erupted between those feminists who were anti-pornography and those who considered themselves sex positive feminists.

### **Third wave feminism**

In the 1990s, third wave feminism emerged. This generation of feminists rejected the dominance of white middle-class women. They demanded the inclusion of women of diverse racial, cultural, ethnic and class backgrounds. Issues like violence against women, reproductive



rights, and sexual liberation were on the agenda for third wave feminists.

**Black feminism** is primarily rooted in the important theory of “intersectionality” and argues that racial discrimination and gender discrimination intersect to shape the experiences of black women in a fundamentally unique way. The term “intersectionality” was coined in 1989 by Kimberlè Crenshaw, a leading scholar in black feminist legal theory, in order to explain the oppression of black women in the United States. We will talk more about the important concept of intersectionality and intersectional discrimination during tomorrow’s workshop.

**Climate justice and feminism** looks at climate change through a human rights lens; the impact that climate change has on women is particularly relevant. Women are particularly vulnerable both during and after major climactic events that are exacerbated by climate change. During natural disasters, women are at a greater risk of death and serious physical injury than men. Women living in poverty in particular often experience the most hardship after a natural disaster. For example, during the Indian Ocean Tsunami in 2004 which killed nearly 230,000 people, surviving men outnumbered surviving women at a ratio of three to one.<sup>19</sup> Women experience a range of hardships after major climate events. Approximately 80% of people displaced by climatic events (for example, around 23 million people in 2017<sup>20</sup>) are women.<sup>21</sup> Rates of violence against women increase following natural disasters. The proportion of women living in poverty increases following climatic events.

Although climate change disproportionately affects women, it is an issue controlled by men. Women make up less than 30% of national and global climate negotiating bodies.<sup>22</sup> Despite this gender biased representation, feminists involved in environmental issues have had a profound impact on climate change’s gendered impacts. One stellar example was Wangari Maathai, a Kenyan academic, Nobel laureate, and founder of the Green Belt Movement. In response to the needs of rural Kenyan women experiencing insecurities in their food, fuel, and water supplies, the Green Belt Movement provides a small monetary token for women who grow seedlings and plant trees. The Green Belt Movement has planted over 51 million trees in Kenya since 1977.<sup>23</sup>

**Transfeminism** refers to a branch of feminism that views the rights of transwomen as linked to the rights of all women, and feminism in general. Transfeminism is based on two fundamental principles: 1) everyone has the right to define their own identities that society must respect, and 2) each individual has the sole right to make decisions about their own bodies. Transfeminism is essential to the liberation of *all* women.

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<sup>19</sup> Mary Halton, *Climate change 'impacts women more than men'*, BBC (Mar. 8, 2018), <https://www.bbc.com/news/science-environment-43294221>.

<sup>20</sup> John Podesta, *The climate crisis, migration, and refugees*, Brookings Institution (July 25, 2019), <https://www.brookings.edu/research/the-climate-crisis-migration-and-refugees/>.

<sup>21</sup> Halton, *Climate change*.

<sup>22</sup> *Id.*

<sup>23</sup> Green Belt Movement, *Wangari Maathai Biography*, <https://www.greenbeltmovement.org/wangari-maathai/biography> (accessed Oct. 4, 2019).

Trans women of color especially face disproportionate levels of violence. In 2019, eighteen trans people have been killed, mostly trans women of color.

Historically, some forms of feminism have sought to exclude transfeminism and the LGBTQI+ community as a whole from feminist movements. These trans-exclusionary radical feminists (TERFs) wrongly claim that trans women are not real women. We must reject this form of radical feminism and work to include and center transwomen in feminist spaces.

**Postcolonial feminism** emerged in the 1980s among women in the developing world/Global South who believed that mainstream feminism excluded the experiences and voices of non-Western women. Postcolonial feminists resist the essentializing of women, since the lived experiences of women in the Global South are fundamentally different based on class, racial, and ethnic repression and the legacies of colonialism.

**Carceral feminism** is a movement advocating for a punitive approach to feminist goals. Carceral feminists rely on the criminal justice system to address gender-based violence and advocate for more policing, prosecution, and imprisonment. In contrast, **anti-carceral feminism** targets the root causes of gender-based violence and provides methods of resolving conflict that do not rely on the criminal justice system.

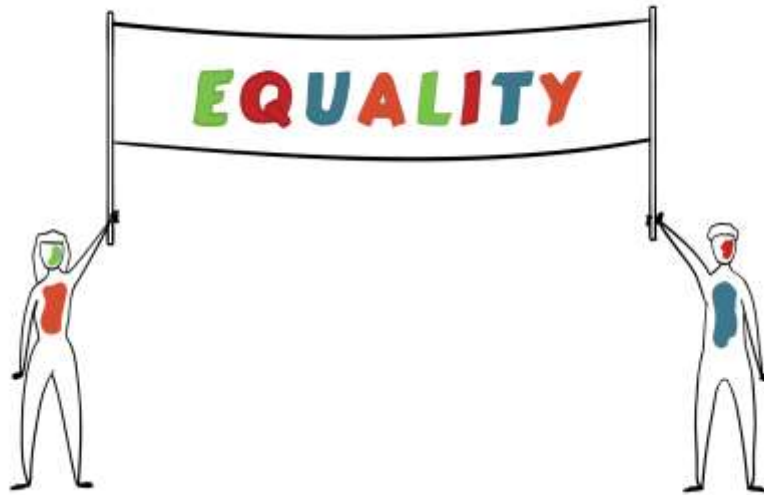
Instructor's Note: Student Activity  
[Estimated completion time: 15 minutes.]

The Student Workbook contains an exercise, Activity: Anti-Carceral Alternatives to Justice.

Students will break out into small groups to discuss potential alternatives to punishment and incarceration that will deal with those who have inflicted gender-based violence on others. They should prioritize the victim's healing process when listing potential alternatives.

Once the class reconvenes, each group will share three ways we can bring justice to those who have survived gender-based violence and also abusers who have engaged in this type of violence without punishment.

## Module 4: Gender-Based Violence and Harassment in the United States



### Module Summary

In Module 4: Women's Rights and Gender Equality in the United States, we will explore gender inequality and discrimination in the United States, with a focus on the following case studies: intimate partner violence and sexual violence. We will then discuss examples of legislation, judgments, and activism that seek to advance women's rights and gender equality in the realm of intimate partner violence and sexual violence.

### Module Contents

- ❖ Section 4.1: Intimate Partner Violence
- ❖ Section 4.2: Workplace Sexual Harassment
- ❖ Section 4.3: Sexual Violence

## SECTION 4.1: INTIMATE PARTNER VIOLENCE

[Instructor plays the following video: <https://www.youtube.com/watch?v=vK3RhRwMwlg>]

Intimate partner violence can be defined as actual or threatened physical, psychological, sexual and technological violence by a current or former partner. Technological intimate partner violence can take the form of partner surveillance on social media platforms. In the U.S., 36.4% of women and 33.6% of men experience some form of intimate partner violence.<sup>24</sup>

As we saw in the video, intimate partner violence can take the following forms:

Forms of Intimate Partner Violence	
<b>Physical violence</b>	battering, hitting, kicking, pushing
<b>Denial of basic needs</b>	sleep, food, clothes, shelter, medication
<b>Sexual violence</b>	forced and/or coerced participation in unwanted, unsafe, or degrading sexual activity
<b>Emotional abuse</b>	yelling, name-calling, blaming, shaming, isolation, intimidation, and controlling behavior
<b>Financial abuse</b>	controlling finances, withholding or taking money, preventing spouse from working, moving away from family/other support systems
<b>Technological abuse</b>	trolling, hacking, spamming, distributing photos, surveillance on social media, harassment, and stalking
<b>Stalking</b>	includes spying on someone, following them around, and/or refusing to leave when asked; it can also take the form of unwanted, incessant calls, texts, and/or emails

Intimate partner violence disproportionately affects women, but it can happen to anyone regardless of their gender/gender identity; in both straight and queer relationships; whether

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<sup>24</sup> CDC's National Intimate Partner and Sexual Violence Survey, <https://www.cdc.gov/violenceprevention/datasources/nisvs/summaryreports.html>.

living together or separately with a partner, married or unmarried, in a short-term or long-term relationship.

Intimate partner violence can have serious consequences, especially for adolescents. Studies have shown that intimate partner violence can lead to depression, suicide, anxiety, drug abuse, and poorer academic performance. Intimate partner violence can be lethal. Despite these severe consequences, physicians often fail to screen patients for intimate partner violence. Physicians can ask their patients if they have ever experienced IPV and include it as a part of their general medical history.

Instructor's Note: Student Activity  
[Estimated completion time: 10-15 minutes.]

The Student Workbook contains an exercise, Activity: Reflection on Intimate Partner Violence.

After the students have conducted the activity (either in class or for homework), ask them to share their written responses. Then, match the students' answers with the examples below.

Possible responses include:

- [In response to Question 1] Society's patriarchal structure perpetuating stereotypes. Examples of such stereotypes include assertions such as women "belonging" to their partner and the man being the "provider" in the relationship. Other stereotypes include ideas about how women should dress modestly and be more subservient. Toxic masculinity in which male aggression and violence is excused/ignored.
- [In response to Question 2] No. Intimate partner violence is a form of gender-based violence and can also be a form of sexual violence, both of which are violations of an individual's human rights. The government, justice system, and community have an obligation and responsibility to provide services and help to those in need.

[Student Workbook image from One Love, [https://www.joinonelove.org/wp-content/uploads/2017/06/DRAFT\\_Couplets-Discussion-Guide\\_V1\\_1.23.16.pdf](https://www.joinonelove.org/wp-content/uploads/2017/06/DRAFT_Couplets-Discussion-Guide_V1_1.23.16.pdf).]

## Examples of Activism and Legislation Addressing IPV

### The Battered Women's Movement

The Battered Women's Movement of the 1970s and 1980s helped bring awareness to issues of intimate partner violence. As a part of the movement, women established shelters and crisis services across the country. Some women even sheltered battered women in their homes. Though women could bring criminal charges against their partners, law enforcement and courts were often reluctant to intervene, except in the most severe cases. Though the battered

women's movement struggled to pass legislation, it did successfully advocate for increased funding of government programs targeted at domestic violence.

### **Violence Against Women Act**

VAWA was enacted in 1994 and represented an important milestone in intimate partner violence advocacy. Positive aspects of this legislation include its support for shelters, rape crisis centers, and provisions for the privacy of IPV victims (law enforcement cannot release personally identifying information). It also made it easier for the perpetrators of IPV to be prosecuted without the victim's cooperation as VAWA encouraged states to enact mandatory arrest policies. In 2013, VAWA added a nondiscrimination provision so that all people can take advantage of the law regardless of color, religion, national origin, sex, gender identity, sexual orientation or disability.

VAWA has been criticized for its reliance on the criminal justice system, which disproportionately impacts people of color. Advocates have also questioned whether criminalization actually reduces IPV. Criminalization can make it difficult for formerly incarcerated people to find employment, and research has shown that underemployed and unemployed men are more likely to perpetrate IPV. In addition, mandatory arrest provisions have been shown to have adverse impacts on the victims of IPV. Specifically, mandatory arrest provisions require an arrest regardless of what the victim wants and/or can result in the arrest of the victim themselves, particularly for women of color or immigrant women. Despite the disproportionate impact on people of color and the failure to effectively address IPV, the government spends \$30 million each year to administer mandatory arrest policies. This money could be better utilized to fund social programs for communities and victims, which better address the root causes of IPV.

### **New York State Law**

Most of New York State law on IPV comes from its penal code, with provisions on assault, rape, menacing, and stalking. Besides these penal solutions, the NY State Assembly introduced the Kari Ann Gorman Act in 2015, which would require schools to include dating violence education and dating violence policies in schools. New York also has passed laws that provide social services, like rental assistance, to the victims of IPV.

### In-Class Activity: House of Representatives Vote

#### Intimate Partner Violence

[Estimated completion time: 10 minutes.]

*[Instructor explains that participants are to imagine they are Members of the House of Representatives about to vote on a new proposed bill on intimate partner violence.]*

*Facilitator notes that she will present the substance of the proposed bill and ask the “House” to vote “Yes” or “No” on the proposed bill by raising their hands to indicate their vote. Take a tally: number of yes vs number of no. After the votes are recorded, facilitator asks for volunteers to express their reasoning for voting yes or no.]*

#### Proposed Bill

**Provide government funding for police departments that enact mandatory arrest policies in cases of intimate partner violence.**

*Those in favor, say yes [Participants shout ‘yes.’], those opposed, say no [Participants shout ‘no.’] The louder side wins.*

Topics for discussion:

- **NO:** Government money could be better spent on the creation and funding of IPV shelters and community programs.
- **NO:** Mandatory arrest policies sometimes result in the victim of IPV being arrested because culpability is not always clear at the time of an incident.
- **YES:** Mandatory arrest policies provide immediate protection to the victim through separation from the perpetrator.
- **YES:** Mandatory arrest policies help hold perpetrators accountable.

## SECTION 4.2: WORKPLACE SEXUAL HARASSMENT

### SEXUAL HARASSMENT IN THE WORKPLACE

*[Instructor plays the following video: <https://www.youtube.com/watch?v=H5owCNvik0E>]*

Sexual harassment is defined as unwelcome sexually suggestive physical or verbal behavior. Sexual harassment is rampant in workplaces all around the world, including in the United States. All types of people can be subjugated to sexual harassment, just like all types of people can be perpetrators of sexual harassment. Harassment in the workplace “is offensive or insulting conduct that employees must endure to keep their jobs (or in exchange for job

benefits), or that is severe or pervasive enough to create a hostile environment at work.”<sup>25</sup> However, it is important to note that women are disproportionately affected by this problem. It is estimated that more than 54% of women have experienced unwanted sexual advances at work, and only six to thirteen percent of them choose to file a complaint. Between 2005 and 2015, 80% of workplace sexual harassment charges brought to the EEOC were by women and the other 20% by men.

Title VII of the Civil Rights Act of 1964 makes it unlawful for an employer to “discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin.”<sup>26</sup> Under federal case law and legislation, two types of sexual harassment exist:

*[Instructor states each form of harassment and asks what the class thinks each one means]*

<b>Quid pro quo sexual harassment</b>	Occurs when the job conditions of an employee are dependent on their submission to sexual acts. <sup>27</sup> A common example of workplace sexual harassment occurs when a superior’s sexual advances are rejected by an employee, and as a result she is denied a promotion or taken off a project.
<b>Hostile work environment sexual harassment</b>	Occurs when the employee is subjected to sexual advances, offensive gender-related comments, or other types of sex-based harassment that disturbs the work environment. <sup>28</sup> For example, if a woman decides to wear dress pants every day to work and is told to dress in a more “feminine” way, this is a form of sexual harassment. It is not for the employer to force gender stereotypes on the employee.

## NEW YORK WORKPLACE SEXUAL HARASSMENT LEGISLATION

### 2019 Women’s Justice Agenda new protections:

- Protects independent contractors, i.e. domestic workers, vendors, consultants, and subcontractors. This helps protect people who may not receive the same protection under employment law as full-time employees. Before this protection was added, employers in these sectors had no options for relief.
- Non-disclosure agreements which may restrict an employee from speaking out about their employer or employment conditions must include language stating the option for an employee to file a complaint of harassment or discrimination with state or local agencies, and to testify against their employers.

<sup>25</sup> Fordham harassment and sexual violence guide

<sup>26</sup> 42 U.S.C. 2000e-2(a)(1).

<sup>27</sup> 42 U.S.C. 2000e-2.

<sup>28</sup> *Id.*



- Employers with 15 or more employees must adopt sexual harassment prevention policy and training for their employees.
- The statute of limitations for bringing a claim of sexual harassment was extended from one to three years.
- Removed the standard that workplace sexual harassment be “severe and pervasive” enough to rise to the level where action can be taken against an employer. In the past, plaintiffs had to show that the harassment was particularly offensive or frequent enough to warrant legal action.

## RECENT FORMS OF ACTIVISM

In October 2017, the New York Times published an article detailing decades’ worth of repulsive sexual harassment allegations against Harvey Weinstein. Following this, from late 2017 to early 2018, the #MeToo movement diffused rapidly throughout the nation unifying survivors of sexual harassment and sexual violence in efforts to break the silence and dismantle the system of privilege keeping abusers in positions of power. Between October 2017 and September 2018, more than 19 million people tweeted mentioning “#MeToo,” many of whom were survivors sharing their stories.

Tarana Burke launched this movement back in 2006 to help survivors of sexual assault by making them feel empowered and heard. Since the movement surged throughout the world in 2018, Burke has reflected on the core ideals of this activism and laid out goals to help us refocus on what is important to survivor empowerment: “This is a survivors’ movement created for and by those of us who have endured sexual violence. The goal is to provide a mechanism to support survivors and move people to action. Any other characterization severely handicaps our ability to move the work forward.”

Instructor’s Note: Student Activity  
[Estimated completion time: 15-20 minutes.]

The Student Workbook contains an exercise, Activity: Understanding Workplace Sexual Harassment.

After the students have conducted the activity (either in class or for homework), ask them to share their written responses. Then, match the students’ answers with the examples below.

Responses include:

1. It does not matter whether the conduct was meant to be offensive or harassment to others. Only the person on the receiving end of the conduct’s perception of the conduct matters.
2. No. Sexual harassment can be physical and non-physical/verbal.

3. They might be worried about retaliation from their supervisor or co-workers. Retaliation may take the form of termination of employment, less desirable work shifts/projects, threats, low performance evaluations.
4. Stay calm and listen to them attentively. Do not blame the victim. Maybe inform the person as to what their options are, but do not force them to take any specific course of action or any action at all.

[Student Workbook activity adapted from ServSafe Sexual Harassment Discussion Guide, [https://www.servsafe.com/ServSafe/media/ServSafe/Documents/ServSafe\\_SHP\\_Restaurant\\_Discussion\\_Guide.pdf](https://www.servsafe.com/ServSafe/media/ServSafe/Documents/ServSafe_SHP_Restaurant_Discussion_Guide.pdf).]

#### In-Class Activity: House of Representatives Vote

Workplace Sexual Harassment in the U.S.

[Estimated completion time: 10 minutes.]

*[Instructor explains that participants are to imagine they are Members of the House of Representatives about to vote on a new proposed bill on workplace sexual harassment.]*

*Facilitator notes that she will present the substance of the proposed bill and ask the “House” to vote “Yes” or “No” on the proposed bill by raising their hands to indicate their vote. Take a tally: number of yes vs number of no. After the votes are recorded, facilitator asks for volunteers to express their reasoning for voting yes or no.]*

#### Proposed Bill

**In sexual harassment adjudication, evidence of complainant’s behavior or sexual history suggesting that the harassment was, thereby, “welcome” should be completely barred instead of left to the judge’s discretion.**

*Those in favor, say yes [Participants shout ‘yes.’], those opposed, say no [Participants shout ‘no.’] The louder side wins.*

Topics for discussion:

- **YES:** It is highly problematic to conflate past behaviors or interactions with consent.
- **YES:** This type of evidence does nothing to address the issue of sexual harassment and positions of power.
- **NO:** The accused could have genuinely misread the situation and thought that his/her sexual advances were, in fact, welcome.

## REVENGE PORN

Revenge porn is defined as the distribution of sexually graphic images of individuals without their consent. This includes both images that were obtained without consent (e.g. through a hidden camera) as well as images that were shared consensually initially but were later distributed to others without consent. Perpetrators of revenge porn may share it electronically via text, email, social media, or in physical form by distributing printed images. Some experts prefer the term nonconsensual pornography (NCP) over revenge porn. NCP better reflects that those who share ‘revenge porn’ can have motivations other than revenge, including ‘bragging rights’ and amusement.

Girls, women, and LGBTQI+ individuals are more likely to be victims of NCP.<sup>29</sup> 9% of female teenagers have had their own explicit photos shared without their consent, compared to 5% of male teenagers.<sup>30</sup> 90% of adult NCP victims between 18-29 are women.<sup>31</sup> 15% of LGBTQI+ internet users have had someone threaten to share a sexually explicit photo of them without their permission, as compared to 2% of heterosexual individuals.<sup>32</sup> The studies cited in this paragraph do not specify whether trans people are represented in these statistics.

## CURRENT ‘ANTI-REVENGE PORN’ LEGISLATION

Most states have implemented “anti-revenge porn” laws criminalizing revenge porn, but they vary in the protections they offer. In January 2019, New York passed a law under which NCP perpetrators can face a year of jail time and a \$1000 fine. However, as is the case in many states, these criminal penalties only apply to perpetrators who shared the images with the “malicious intent” of shaming or harming the victim. The New York law anti-revenge porn law is unique from laws in other states because it has a provision that allowing NCP victims to obtain a court-order forcing third-party platforms (such as Instagram or Snapchat) to remove these images.

Currently, there is no federal anti-revenge porn law. However, the Stopping Harmful Image Exploitation and Limiting Distribution Act of 2019 (the SHIELD Act), which would criminalize revenge-porn on the federal level, has been introduced in the US House of Representatives. 2020 Presidential candidate Kamala Harris has been a vocal supporter of the bill, vowing to introduce a similar piece of legislation in the U.S. Senate.

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<sup>29</sup> Anderson, Monica. “A Majority of Teens Have Experienced Some Form of Cyberbullying.”

<sup>30</sup> *Id.*

<sup>31</sup> Amanda Lenhart, Michele Ybarra, and Myeshia Price-Feeney. “Nonconsensual Image Sharing: One in 25 Americans Has Been a Victim of ‘Revenge Porn.’” pp. 5. *Data & Society Research Institute and the Center for Innovative Health Research*. December 2016.

[https://datasociety.net/pubs/oh/Nonconsensual\\_Image\\_Sharing\\_2016.pdf](https://datasociety.net/pubs/oh/Nonconsensual_Image_Sharing_2016.pdf)

<sup>32</sup> *Id.*

In-Class Activity: House of Representatives Vote

Anti-Revenge Porn Laws

[Estimated completion time: 10 minutes.]

*[Instructor explains that participants are to imagine they are Members of the House of Representatives about to vote on a new proposed bill on workplace sexual harassment.]*

*Facilitator notes that she will present the substance of the proposed bill and ask the “House” to vote “Yes” or “No” on the proposed bill by raising their hands to indicate their vote. Take a tally: number of yes vs number of no. After the votes are recorded, facilitator asks for volunteers to express their reasoning for voting yes or no.]*

Proposed Bill

**This bill will outlaw the sharing of nonconsensual pornography (NCP) on the federal level:**

- 1. Those found responsible for perpetrating NCP can be jailed for up to 1 year OR fined up to \$1000; AND**
- 2. Criminal penalties will be imposed ONLY where it has been proven that a perpetrator shared the images with the “malicious intent” of shaming or harming the victim.**

*Those in favor, say yes [Participants shout ‘yes.’], those opposed, say no [Participants shout ‘no.’] The louder side wins.*

Topics for discussion:

- **YES:** NCP is a growing form of sexual manipulation/exploitation. Criminalizing revenge porn sends an important message and may decrease the sharing of revenge porn in the future.
- **YES:** The government must protect freedom of speech and should only impose criminal penalties where there is proven malicious intent.
- **NO:** These consequences are too harsh. Teenagers should not face criminal penalties for making the reckless decision to share revenge porn. The government should implement strategies for reducing NCP that actually teach teenagers about issues of consent and sexual privacy.
- **NO:** 80% of individuals who share NCP do not share it with “malicious intent.” The malicious intent requirement does not go far enough in protecting victims.

## SECTION 4.3: SEXUAL VIOLENCE

[Instructor plays the following video: “Sexist Sexual Assault Commercial”  
<https://youtu.be/896NBBL4ri0>]

### Sexual Violence in the United States

Sexual violence includes rape, sexual coercion, and unwanted sexual contact.<sup>33</sup> Rape and sexual assault hurt people regardless of gender or sexual orientation, race, ethnicity, or socio-economic status. In their lifetimes, approximately 44% of women and 25% of men in the U.S. experienced some sort of sexual violence.<sup>34</sup> Young women experience the highest rates of sexual violence.<sup>35</sup> Survivors of sexual violence often know the perpetrator.<sup>36</sup> Sexual violence rates vary based on race and socio-economic status:

Sexual Violence Statistics
One in five black and white women experience rape in their lifetime in the US.
One in seven Latinx women experience rape in their lifetime in the US.
One in four indigenous women experience rape in their lifetime in the US.
One in three multi-racial women experience rape in their lifetime in the US.
Trans and gender nonconforming people report high rates of sexual assault because of their gender. <sup>37</sup>

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<sup>33</sup> Rape is any completed or attempted unwanted vaginal (for women), oral, or anal penetration through the use of physical force or threats to physically harm and includes times when the victim was drunk, high, drugged, or passed out and unable to consent. Sexual coercion is unwanted sexual penetration that occurs after a person is pressured in a nonphysical way such as being worn down by someone who repeatedly asked for sex or showed they were unhappy; feeling pressured by being lied to, being told promises that were untrue, having someone threaten to end a relationship or spread rumors; and sexual pressure due to someone using their influence or authority. Unwanted sexual contact is unwanted sexual experiences involving touch but not sexual penetration, such as being kissed in a sexual way, or having sexual body parts fondled, groped, or grabbed.

<sup>34</sup> National Center for Injury Prevention and Control, CDC, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2015 Data Brief – Updated Release*, 1, 13 (2018).

<sup>35</sup> 81.3% of female victims of completed or attempted rape first experienced such victimization before the age of 25 according to DC, *2015 Data Brief, supra*, at 4.

<sup>36</sup> 13.8% of female victims report being raped by a stranger according to CDC, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010-2012 State Report*, 21 (Apr. 2017).

<sup>37</sup> Fordham University Guide.

In New York City, perpetrators of sexual violence rape approximately 50,000 women each year.<sup>38</sup>

Sexual violence is underreported. Survivors of sexual violence may choose not to report for fear of reprisal, for considerations of privacy, not thinking it is serious enough, self-blame, and anxiety about not being believed.

Survivors of sexual violence respond in various ways and do not always behave the one might expect. There is no “right” response to experiencing sexual violence. Survivors of sexual violence exhibit a range of reactions which may include calm, hysteria, withdrawal, anxiety, anger, apathy, denial, and shock. Also, each survivor requires varying amounts of time to process the trauma.

Consent is important in all sexual encounters. In more general terms, consent “is not a passive understanding or communicated with ambiguous words. Instead, it requires active signs of willing participation or clear words that convey unambiguous agreement to a particular act.” Under New York State law, a lack of consent results from forcible compulsion (threats or intimidation, or emotional manipulation), incapacity to consent (less than 17 years old, mentally disabled, mentally incapacitated as by alcohol or drugs, and physical helplessness as by physical restraint), and circumstances under which the victim clearly expressed that they did not consent.

A number of national and state laws address sexual violence. An important example is Title IX of the Education Amendments Act of 1972. Title IX prohibits sex discrimination in education by requiring schools to enact policies and grievance procedures that provide for a prompt and equitable resolution of sex discrimination matters. Title IX protects students from sexual violence that occurs in the course of school-sponsored activities and requires schools to promptly investigate reports of sexual violence and take steps to protect their students.

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<sup>38</sup> NYC Alliance Against Sexual Assault, *Stats, Research*, (accessed Sept. 16, 2019), [www.svfreenyc.org](http://www.svfreenyc.org).

Instructor's Note: Student Activity  
[Estimated completion time: 5-10 minutes.]

The Student Workbook contains an exercise, Activity: Consequences of Sexual Violence.

After the students have conducted the activity in-class, ask them to share their written responses and engage in a class discussion.

Possible responses include:

- The cost of sexual violence is enormous, both for the survivor and society more generally. Individual costs include reduced academic performance, post-traumatic stress disorder, depression, increased rates of substance abuse, suicidal ideation, sexually transmitted diseases, and pregnancy.
- Societal costs include survivors not receiving needed help, perpetrators not being held accountable, and sexual violence promoting systemic gender inequality.

## **Activism against Sexual Violence in the U.S.**

Numerous national organizations combat sexual violence in the U.S. One example is the Rape, Abuse, and Incest National Network (RAINN)- the largest anti-sexual violence organization in the US. RAINN created and operates the National Sexual Assault Hotline in partnership with more than 1,000 local sexual assault service providers.

In-Class Activity: House of Representatives Vote  
Sexual Violence in the United States  
[Estimated completion time: 10 minutes.]

*[Instructor explains that participants are to imagine they are Members of the House of Representatives about to vote on a new proposed bill on workplace sexual harassment.]*

*Facilitator notes that she will present the substance of the proposed bill and ask the "House" to vote "Yes" or "No" on the proposed bill by raising their hands to indicate their vote. Take a tally: number of yes vs number of no. After the votes are recorded, facilitator asks for volunteers to express their reasoning for voting yes or no.]*

Proposed Bill

**All public high schools are required to incorporate and develop into their curriculum compulsory training for boys on the prevention of sexual violence.**

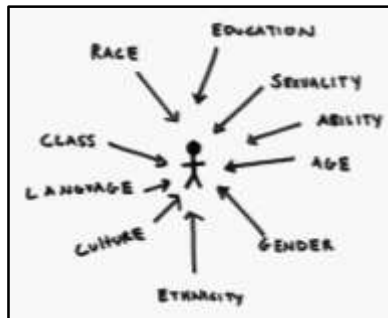
*Those in favor, say yes [Participants shout 'yes.'], those opposed, say no [Participants shout 'no.']. The louder side wins.*

Topics for discussion:

- **NO:** Training regarding sexual violence should target all students, boys, girls, and gender non-conforming students alike.
- **NO:** Mandatory training should include not only sexual violence education but also broad sexual health education and expansive gender equality education.
- **NO:** Targeting only boys sends the message that men and boys cannot be victims of sexual abuse, only perpetrators, which is not true. Men and boys can be and are victims of sexual violence.



## Module 5: Intersectional Discrimination & LGBTQI+ Equality in the United States



### Module Summary

In Module 5: Intersectional Discrimination & LGBTQI+ Equality in the United States, we will discuss the need for an inclusive vision of society and introduce the concept of intersectionality. Then, we provide examples of intersectional discrimination in the United States and discuss progressive legislation, judgments, and activism that seek to address these harms. Finally, we discuss LGBTQI+ equality in the United States and progressive legislation and judgments seeking to advance LGBTQI+ equality.

### Module Contents

- ❖ Section 5.1: The Need for an Inclusive Vision of Society
- ❖ Section 5.2: Introduction to the Feminist Concept of Intersectionality
- ❖ Section 5.3: Examples of Intersectional Discrimination in the United States and Progressive Legislation, Judgments, and Activism that Seek to Address These Harms
- ❖ Section 5.4: LGBTQI+ Equality in the United States
- ❖ Section 5.5: Progressive Legislation and Judgments Seeking to Advance LGBTQI+ Equality

Instructor's Note: Understanding the Activities in Module 5

- There are *italicized* questions in this module. These questions are intended to spur discussion.
- The set of questions on pages 28 and 29 of the Student Workbook should be given upon the completion of Sections 5.2-5.5.

## SECTION 5.1: THE NEED FOR AN INCLUSIVE VISION OF SOCIETY

### Activity on Inclusion: A Walk in the Park.<sup>39</sup>

*[Play slow soft music to help settle room – keep the pace of the exercise slow and calm. Ask group to close their eyes, and slowly read the following guided story out loud.]*

<https://www.youtube.com/watch?v=S-Xm7s9eGxU>

*I am now going to tell you a story about a park and I want you to close your eyes and imagine the park in your mind. After I finish the story, I will tell you to open your eyes and we will talk about what we saw in our parks.*

Take a minute to imagine yourself in a public park. Just for now it is empty of people. It's a warm summer's day, the trees are heavy with leaves and the sun breaks through to make you feel warm. There is a slight breeze; you can feel it on your face. As you look forward you can see a path winding its way far into the distance. Around the path there are patches of cut grass and large leafy trees. The only sounds are of birds singing and chirping.

You hear the birds. You feel the heat of the sun and are refreshed by the slight breeze. You look in front of you and decide to follow the path.

You begin to walk and you move along the path and hear voices in the distance. You look first to your right and then to your left, and you notice a young child kicking a ball. The child throws the ball into the air and catches it as it falls. You notice the ball fall hard into the child's hands. Two people are playing with the child – you smile and wave towards them noticing the smiles on their faces.

You continue to walk around some large trees and pass two people sitting on a bench. They are laughing loudly – you try to hear what they are saying. You move again along the path and see a couple walking towards you holding hands. They walk past you as you look at them.

As you walk on a number of men are sitting on a bench by the path, talking and laughing – you look at them one by one.

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<sup>39</sup> Exercise taken from IGYLO Intersectionality Toolkit. [https://issuu.com/igylo/docs/inter\\_toolkit](https://issuu.com/igylo/docs/inter_toolkit)

As you walk on you are nearing the gate of the park, you walk through the gateway and in front of you, you see this hotel. You walk into the hotel and then into this conference room. You sit on the chair and feel it under you. You begin to slowly open your eyes.

### Key Questions for Discussion

*[Instructor will read the following questions out loud and participants will be asked to raise their hands if the statement applies to what they saw in their park.]*

1. When you saw the child with the ball, was the child female?
2. The two people you saw with the child, did you imagine them to be the child's parents? If so, were they a man and a woman? Two women? Two men? ☐ ☐ ☐
3. The two people sitting on the bench, were they able-bodied? ☐ ☐ ☐
4. The couple holding hands that was walking towards you; were they two women or two men? Were they one woman and one man?
5. The group of men on the bench, were they old? Young? Were they able-bodied?
6. Was everyone in your park: Able Bodied? ☐ ☐ ☐ Young or middle-aged or old? ☐ ☐ ☐
7. Were there any transgender people in your park?
8. Were there any gender non-conforming people in your park?
9. Were there couples of the same gender in your park?
10. Were there different ethnic groups in your park? ☐ ☐ ☐
11. Were there any people with visible disabilities in your park?

### Final Takeaway

Think: Who did not appear for you at all in your park? This activity shows us who we see, who we include in our vision of society and who we subconsciously do not include/erase in our vision of society. We want a society of inclusion, a vision of a society where everyone is seen, everyone is included, everyone is acknowledged. Especially groups who have historically not been included (Like people with disabilities. LGBTQI+ people. Immigrants. Older people. Women). The idea of intersectionality, which we'll discuss next, shows us why inclusion and a vision of society in which everyone is seen is so important.

## SECTION 5.2: INTRODUCTION TO THE FEMINIST CONCEPT OF INTERSECTIONALITY

### Black Feminism and Intersectionality

When two or more forms of discrimination overlap, it can be described as intersectionality.

For example, a black woman in the United States might face discrimination because she is black and because she is a woman; because of racism and because of gender discrimination. You cannot separate the discrimination she experiences, it overlaps.

Intersectionality can help us understand that discrimination does not exist in isolation. For example, discrimination based on race, gender, sexuality, nationality, class, and religion are not always separate discrete acts. Intersectionality explores how systems of *power* and *oppression* often *intersect* and *collide*, creating unique and varied experiences of discrimination.

For example, if we were to only focus on gender discrimination without considering how racial discrimination also affects an individual's experience, it runs the risk of erasing the way that women of color face discrimination that is distinct from white women in America.

The term "intersectionality," thus highlights that these different systems of oppression work collectively to affect a person's experiences in terms of inequality and injustice and in fact compounds the experienced discrimination, making it even worse.

## SECTION 5.3: EXAMPLES OF INTERSECTIONAL DISCRIMINATION IN THE UNITED STATES AND PROGRESSIVE LEGISLATION, JUDGMENTS, AND ACTIVISM THAT SEEK TO ADDRESS THESE HARMS

### Introduction

Examples of the targets of intersectional discrimination include: (1) immigrant women, (2) women of color, (3) women with disabilities, (4) LBT/queer women.

### Immigrant Women in the United States

In the U.S., there are 45 million foreign-born people, that make up about 13.7% of the population.<sup>40</sup> *In New York state, about 22% of the population is made up of immigrants.*

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<sup>40</sup> Migration Policy Institute, State Immigration Data Profiles <https://www.migrationpolicy.org/data/state-profiles/state/demographics/US#top>.

Immigrant women in the U.S. may experience intersectional discrimination because they are women and because they are foreign-born- due to patriarchy and xenophobia.

Instructor's Note: Student Discussion

*Ask students:* What specific examples of discrimination do you think immigrant women in the U.S. may face?

*Allow a few minutes for small group discussion, then take group volunteers.*

**Possible responses include:**

- Workplace discrimination
- Healthcare discrimination
- Racial discrimination

Immigrant women in general are more susceptible to employment discrimination and intimate partner violence. These women also often have less access to healthcare than U.S.-born women. Immigrant women face language and cultural barriers when accessing healthcare. Provisions of the Affordable Care Act (ACA) also discriminate against immigrants. Non-citizens must wait five years before they can apply for Medicaid, and undocumented immigrants cannot purchase private insurance through the ACA's marketplace at all.

Immigrant women may also be undocumented, which makes them even more susceptible discrimination. Undocumented women might fear their employers will report them to authorities and have them deported if they complain about wage theft or sexual harassment/assault in the workplace. Many undocumented women workers have experienced constant sexual harassment in their workplace, which comes in the form of sexually explicit comments, sexual advances and even rape.

Undocumented women detained at the border and detention facilities across the country face unique vulnerability to violence and exploitation. The detention process begins in freezing cold facilities called *hieleras* ("freezers"). There, women and children sleep on the floor with foil blankets, and are often denied basic necessities such as soap. After the *hielera*, women and children go to the *perrera* ("dog kennel"), which has somewhat better conditions. The women and children can shower and have access to better food, but still live within chain link cages.

Then, women and children are moved to family detention centers where they begin the asylum process. While there, women and children often lack access to quality healthcare and safe drinking water. Sexual abuse of minors by staff members and other children has also been a significant issue in these facilities.

**Examples of activism:** The National Domestic Workers Alliance (NDWA) works to increase the visibility around the challenges faced by domestic workers, who are often immigrants and women of color. NDWA has worked to organize domestic workers, advocate for legislative protections, and help nurture leadership programs. Importantly, NDWA has advocated for a national Domestic Workers' Bill of Rights that provides workplace rights and protections like paid overtime, healthy working conditions, and rest breaks. It also advocates for support for the survivors of sexual harassment and know-your-rights information to protect against employer retaliation. A version of this Domestic Worker's Bill of Rights was passed in New York State.

**Examples of progressive legislation and case law:** The Violence Against Women Act (VAWA) provides some protections for immigrant victims of domestic violence and allows them to self-petition for a visa or Green Card. New York has also passed laws that penalize discrimination and retaliation against immigrant employees and created a Domestic Worker's Bill of Rights, which guarantees their right to overtime pay and a day off every week. It also creates a special cause of action for domestic workers in cases of sexual or racial harassment at work.

## Women of Color in the United States

Women of color experience intersectional discrimination because they are women and because they are non-white – due to patriarchy and white supremacy.

### Instructor's Note: Student Discussion

*Ask students:* What specific examples of discrimination do you think women of color in the U.S. may face?

*Allow a few minutes for small group discussion, then take group volunteers.*

**Possible responses include:**

- Workplace discrimination
- Healthcare discrimination
- Racial discrimination

Women of color are subjected to many types of discrimination such as workplace discrimination, wage discrimination, and misrepresentation in the media. They also face serious threats to health and safety such as, a higher rates of maternal mortality, sexual violence, and incarceration.

A full-time working woman earns 80 cents on the white man's dollar, a full-time working black woman earns 67 cents on the white man's dollar, and a full-time working Latinx woman makes 54 cents on the white man's dollar.<sup>41</sup>

The 2019 Black Women's Equal Pay Survey researched the difference in pay between white men and black women working in the same roles.<sup>42</sup> Black women working in the legal field make 56% less than their white male counterparts.<sup>43</sup> Black women who are computer scientists and engineers make 32% less than their white male counterparts.<sup>44</sup> Black female managers make 41% less than white male managers.<sup>45</sup>

The wage gap between black women and white men grows with higher education.<sup>46</sup> The gap grows from 23% between black women and white men who did not graduate high school to 32% for those who did to 35% for those with bachelor's and other advanced degrees.<sup>47</sup>

African-American, Native American and Alaska Native women are about three times more likely to die from causes related to pregnancy, compared to white women in the United States.<sup>48</sup> This racial disparity in infant and maternal mortality rates that transcends socioeconomic status has been generally accepted to come as a result of racism.<sup>49</sup> Enduring decades of racism contributes to the erosion of physical and mental health causing conditions such as "hypertension and pre-eclampsia – that lead directly to higher rates of infant and maternal death."<sup>50</sup>

Across all broadcast, cable and streaming platforms between 2018 and 2019, 70% of female characters were white, 17% were black, 7% were Asian, and 6% were Latinx.<sup>51</sup> Further, women of color are nearly invisible in the behind-the-scenes roles of film production.<sup>52</sup> Of the 1,200 top grossing films between the years 2007 and 2018, only nine were directed by women of color.<sup>53</sup> Five of which were black, three Asian and one Latinx.<sup>54</sup> As a result of this lack of representation,

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<sup>41</sup> Leslie Hunter-Gadsden, *The Troubling News About Black Women in the Workplace*, PBS THIRTEEN (Nov. 8, 2018); Sarah A. Nelson, *Equal Pay Day Is Not Equal At All for Women of Color*, HUFFPOST (Apr. 7, 2017).

<sup>42</sup> CATALYST: WORKPLACES THAT WORK FOR WOMEN, *supra* note 8.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> <https://www.nytimes.com/2019/05/07/health/pregnancy-deaths.html>.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *TV Statistics 2018-2019 Season*, WOMEN AND HOLLYWOOD (2019).

<sup>52</sup> Tambay Obenson, *For Black Directors, 2018 Was a Banner Year, Not So Much for Women, Asians—Report*, INDIEWIRE (JAN, 4, 2019).

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

the limited portrayals of female characters of color are often oversimplified and excessively clichéd.

## Women with Disabilities in the United States

Women with Disabilities/Differently-abled women experience intersectional discrimination because they are women and because they are differently-abled – due to patriarchy and ableism.

An impairment of one or more of the following is considered a disability: hearing, visual, cognitive, ambulatory, self-care, or independent living. 12.8% of women in the US live with a disability.<sup>55</sup> As the most common minority group, most people will at some point in their lives either have or know someone who has a disability. The Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications.

### Instructor's Note: Student Discussion

*Ask students:* What specific examples of discrimination do you think women with disabilities may face in the U.S.?

*Allow a few minutes for small group discussion, then take group volunteers.*

#### **Possible responses include:**

- Workplace discrimination
- Healthcare discrimination
- Sexual violence

In the U.S., women with disabilities experience a number of difficulties not experienced by women without disabilities.

Women with disabilities experience higher rates of gender-based violence, including intimate partner violence. Women with disabilities are 4.5 times more likely to experience rape than women without disabilities. They are 2.2 times more likely to experience physical violence by an intimate partner than women without a disability.<sup>56</sup> Also, because women with disabilities may

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<sup>55</sup> Centers for Disease Control and Prevention (CDC), *CDC: 1 in 4 US Adults Live with a Disability*, Press Release (Aug. 16, 2018), <https://www.cdc.gov/>.

<sup>56</sup> National Center for Injury Prevention and Control, CDC, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report*, 1 (2011).



be financially and physically dependent on an intimate partner, they may have greater difficulty leaving an abusive relationship.

Overall, approximately 80% of people (including both men and women) with disabilities experience sexual assault in their lifetime.<sup>57</sup> Women with disabilities are significantly more likely to have experienced IPV in their lifetime (33.2%) compared with women without disabilities (21.2%).<sup>58</sup> Women with disabilities are 3 times more likely to experience sexual violence other than rape, 2.2 times more likely to experience physical violence, 2.9 times more likely to experience stalking, 1.8 times more likely to experience psychological aggression, and 2.0 times more likely to experience control of their reproductive sexual health than women without a disability.<sup>59</sup>

Women with disabilities experience greater difficulty in employment than women without disabilities. Women with disabilities are 2.2 times more likely than women without disabilities to be unemployed.<sup>60</sup> Only 28.3% of women with a disability in the civilian labor force (able and willing to work) were employed in 2018, compared to 68% of women without a disability.<sup>61</sup> Common barriers to employment facing people with disabilities include accessibility of the physical environment, a lack of assistive technology, and negative attitudes of people without a disability.

Nearly one in three women with a disability in the US live in poverty and women with a disability are twice as likely (35.1%) to live in poverty as women without a disability (16.3%).<sup>62</sup>

Women with disabilities face obstacles in accessing education and health care as well. In general, adults with disabilities are four times more likely to report being in fair or poor health than adults with no disabilities.<sup>63</sup> Women with disabilities are less likely to access preventative

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<sup>57</sup> Center for Reproductive Rights, *Universal Periodic Review Fact Sheet*, <https://reproductiverights.org/> (accessed Sept. 30, 2019).

<sup>58</sup> Barrett, KA et al., *Intimate partner violence, health status, and health care access among women with disabilities*, *Women's Health Issues*, vol. 19, 94 (Mar. to Apr. 2009).

<sup>59</sup> "Control of reproductive or sexual health includes the refusal by an intimate partner to use a condom. For a woman, it also includes times when a partner tried to get her pregnant when she did not want to become pregnant. For a man, it also includes times when a partner tried to get pregnant when the man did not want her to become pregnant." National Center for Injury Prevention and Control, CDC, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report*, 1 (2011).

<sup>60</sup> The unemployment rate of women with a disability is 8.1% and the unemployment rate of women with no disability is 3.7% according to Bureau of Labor Statistics, *Persons with a Disability: Labor Force Characteristics News Release*, Table 1 (Feb. 26, 2019), <https://www.bls.gov/labor>.

<sup>61</sup> Bureau of Labor Statistics, *Economic News Release*, Table A-6 (Sept. 6, 2019), <https://www.bls.gov/news>.

<sup>62</sup> Institute on Employment and Disability, *Poverty Rate of Women with a Work Limitation*, <http://www.disabilitystatistics.org/poverty> (accessed Sept. 23, 2019) and *Poverty USA, The Population of Poverty USA*, <https://www.povertyusa.org/> (accessed Sept. 23, 2019).

<sup>63</sup> Gloria L. Krahn, PhD, et al., *Persons with Disabilities as an Unrecognized Health Disparity Population*, *American J. of Public Health*, vol. 105 (Apr. 2015), accessed online: <https://www.ncbi.nlm.nih.gov/>.

medical services than women without disabilities.<sup>64</sup> As far as education, women with disabilities are five times more likely than women without disabilities to have less than eight years of formal education.<sup>65</sup>

**Activism:** Activists argue for the rights of people with disabilities. For example, a national group called ADAPT organizes disability rights activists to engage in nonviolent direct action such as civil disobedience in support of the rights of people with disabilities.

Legislation in the U.S. aimed at helping people with disabilities include the Americans with Disabilities Act (ADA) and the Violence Against Women Act (VAWA). VAWA was expanded to address violence and abuse of women with disabilities and access to services in 2013.

## LBT/Queer Women in the United States

LBT women experience intersectional discrimination because they are women and because they are lesbian, bisexual, and transgender – due to patriarchy, homophobia, and transphobia. Discrimination against LBT women may also be compounded by other factors including race, class, and socioeconomic status.

### Instructor's Note: Student Discussion

*Ask students: What specific examples of discrimination do you think queer women in the United States may face? Consider how queer women of color and/or transgender women may experience unique forms of discrimination.*

*Allow a few minutes for small group discussion, then take group volunteers.*

#### **Possible responses include:**

- Workplace discrimination
- Healthcare discrimination
- Discriminatory policing

Queer women may experience social stigmatization and family ostracism because of their sexual orientation and/or gender identity. Queer youth and women are more likely to experience homelessness and are more likely to become incarcerated than heterosexual

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<sup>64</sup> Gloria L. Krahn, PhD, et al., *Persons with Disabilities as an Unrecognized Health Disparity Population*, American J. of Public Health, vol. 105 (Apr. 2015), accessed online: <https://www.ncbi.nlm.nih.gov/>.

<sup>65</sup> Merle Froschl et al., Women's Education Equality Act (WEEA) Resource Center, *Connecting Gender and Disability*, (Nov. 1999), <http://www2.edc.org/>.

women. As a result of systemic racism, queer women of color are particularly vulnerable to these issues.

Transgender women experience high rates of violence. There were 128 killings of trans people between 2013-2018, 90% of these victims were trans women and 80% of these victims were trans women of color.<sup>66</sup> Further, trans women may be fearful of going to the police for help because police officers are sometimes the ones perpetrating the violence. Trans women are three times more likely to be assaulted by a police officer than trans men.<sup>67</sup>

*[Facilitator should note that the immediate next presenter will go into more depth on further forms of discrimination against the queer community and progressive laws, cases, and activism aimed at realizing LGBTQI+ rights]*

## SECTION 5.4: LGBTQI+ EQUALITY IN THE UNITED STATES

### Recent Advances

**Marriage Equality:** In 2015, the right to same-sex marriage was granted by the Supreme Court. This was no easy feat. In 1996, Congress passed the Defense of Marriage Act (DOMA) which defined marriage as a union between a man and a woman and allowed states to refuse to recognize marriage between same-sex couples. In the 2003 case *Lawrence v. Texas*, the Court struck down a Texas statute criminalizing same-sex activity between two consenting adults in the privacy of their own home. In 2011, President Obama declared DOMA unconstitutional. By 2015, 37 states had legalized same-sex marriage before the landmark *Obergefell* decision.<sup>68</sup> In *Obergefell v. Hodges*, the Supreme Court ruled that under the constitution, the fundamental right to marriage extends to same-sex couples.

### Continuing Struggles

Although LGBTQ+ rights have quickly expanded in the United States, the queer community remains federally unprotected from discrimination in some areas. Discrimination and social stigmatization may be exacerbated for queer individuals who are vulnerable to other forms of discrimination based on race, ethnicity, immigration status, or gender identity.

**Discriminatory Policing and Homelessness:** While queer women make up 5% of the female population in the United States, 42% of women in prison and 35.7% in jails identify as lesbian or bisexual.<sup>69</sup> The disproportionate incarceration of the queer community begins on the youth

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<sup>66</sup> "A National Epidemic: Fatal Violence Anti-Transgender Violence in America in 2018." *Human Rights Campaign*.

<sup>67</sup> Lopez, German. "Walking While Trans: How Transgender Women of Color Are Profiled." *Vox*. July 2015.  
<https://www.vox.com/2015/7/21/9010093/walking-while-transgender>

<sup>68</sup> Julia Zorthian, *These are the States Where SCOTUS Just Legalized Same-Sex Marriage*, *TIME* (June 26, 2015).

<sup>69</sup> *Id.*

level. 20% of youth in the juvenile justice system identify as LGBTQI+, 85% of whom are youth of color.<sup>70</sup> The strongest predictor of involvement with the juvenile justice system is homelessness, and 40% of homeless youth identify as LGBTQI+. <sup>71</sup> Black queer youth are especially likely to experience homelessness and be targeted by police. Trans women, especially trans women of color, are frequently subject to police-perpetrated violence. Crimes against trans people are underreported and under-investigated.

**Conversion Therapy:** Conversion therapy, a practice aimed at “curing” LGBTQI+ people of their sexual attractions and/or gender identities, is widely condemned by the medical community. Teens who undergo conversion therapy have increased rates of depression and substance abuse. Despite these proven harms, 31 states do not have laws prohibiting state-licensed mental health practitioners from “practicing” conversion therapy on minors.

**Trans Military Ban:** In 2017, President Trump announced a policy banning transgender people from joining the military; tweeting, “[the military] cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail.” The “trans military ban” is controversial, and has little support within the military itself. The military has spent less than 1% of its healthcare budget on trans-related healthcare since trans folks were first allowed to openly serve in 2016.<sup>72</sup> As of April 2019, those diagnosed with gender dysphoria cannot join the military if they have undergone surgery or hormone treatment. The estimated 15,000 transgender people already serving in the military can continue to serve.

**Housing and Public Accommodation:** LGBTQI+ people are often denied housing or are unfairly evicted. Only 21 states prohibit housing discrimination based on sexual orientation or gender identity and the U.S. Department of Housing and Development (HUD) interprets the Fair Housing Act to prohibit discrimination on these bases as well. Similarly, LGBTQI+ individuals are sometimes denied entry to businesses and accommodations available to the public. Currently, only 20 states offer public accommodations protections defending the rights of these folks in virtually every space besides home and work.

**Employment:** 21 states and D.C. have passed laws protecting individuals from employment discrimination on the basis of their sexual orientation and/or gender identity.<sup>73</sup> However, federal appellate courts vary in their interpretations of Title VII, meaning that in some states, employees can be fired (or otherwise discriminated against) based on their sexual orientation and/or gender identity. The Equal Employment Opportunity Commission (EEOC), the federal

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<sup>70</sup> “Unjust: How the Broken Criminal Justice System Fails LGBT People of Color.” pp. 1. August 2016. *Center for American Progress; Movement Advancement Project*. <http://www.lgbtmap.org/file/lgbt-criminal-justice-poc.pdf>

<sup>71</sup> Griffith, Daiana. “LGBTQ Youth are at Greater Risk of Homelessness and Incarceration.” January 2019. *Prison Policy Initiative*. [https://www.prisonpolicy.org/blog/2019/01/22/lgbtq\\_youth/](https://www.prisonpolicy.org/blog/2019/01/22/lgbtq_youth/)

<sup>72</sup> Julie Watson and Jennifer McDermott. *Associated Press—PBS News Hour*. February 2019. <https://www.pbs.org/newshour/nation/military-spent-about-8-million-on-transgender-care-since-2016>

<sup>73</sup> “Non-Discrimination Laws: Employment.” *Equality Maps, Movement Advancement Project*. [https://www.lgbtmap.org/equality-maps/non\\_discrimination\\_laws](https://www.lgbtmap.org/equality-maps/non_discrimination_laws)

agency charged with enforcing Title VII, has said that Title VII’s protections extend to LGBTQI+ individuals.

## SECTION 5.5: PROGRESSIVE LEGISLATION AND JUDGMENTS SEEKING TO ADVANCE LGBTQI+ EQUALITY

**Recent Supreme Court Cases:** In October of 2019, the Supreme Court heard the oral arguments for two cases involving discrimination against LGBTQI+ employees. At the time of this writing (November 2019), these cases had not yet been decided. In *Altitude Express Inc. v. Zarda*, a case in which a gay man alleges he was fired due to his sexual orientation, the Court will decide whether the protections of Title VII prohibit discrimination on the basis of *sexual orientation*. The Court will rule separately on the issue of *gender identity* when it decides *R.G. & G.R. Harris Funeral Homes v. Equal Employment Opportunity Commission*, a case where a woman was fired for being transgender. The outcome of these cases will substantially affect queer women and the broader LGBTQI+ community. In determining the scope of Title VII, the Supreme Court will be deciding whether to protect LGBTQI+ people in areas like employment, housing, public accommodation, and healthcare.

**Equality Act:** Although the above rulings could extend federal anti-discriminatory protections, advocates stress that these protections will be stronger if they are written into the law itself. For this reason, queer activists are pushing for the “Equality Act,” which would amend the Civil Rights Act of 1964 and its companion legislation to explicitly add sexual orientation and gender identity as protected from discrimination. The “Equality Act” has received bipartisan support, and has been passed by the U.S. House of Representatives. However, the bill faces an uphill battle in the Republican-dominated Senate, where some think it is unlikely to pass.

*Optional question: [Ask participants for their opinions on conversion therapy. Do you think that conversion therapy should be outlawed for minors? How about for freely consenting adults? Why or why not?]*

### Instructor’s Note: Student Workbook Activities

[Estimated completion time: 15 minutes.]

Upon completion of the instruction for Sections 5.2 to 5.5, ask the students to answer the corresponding questions on page 26 of the student workbook.

## Module 6: Methods of Gender Justice Advocacy



### Module Summary

In Module 6: Methods of Gender Justice Advocacy, we will explore diverse modes and methods of activism regarding gender and human rights, including activism through art, raising awareness, political participation, activism at school, media advocacy, and human rights-based advocacy.

### Module Contents

- ❖ Section 6.1: Modes and Methods of Activism

## SECTION 6.1: MODES AND METHODS OF ACTIVISM

The strategies discussed here can be utilized in a school-based setting or within various community groups to advance gender equality. Action and activism are crucial to making change- and young people are taking part in movements for social justice and equality across the world. Activism is focused on social change- meaning it is all about making the world a better place instead of making one individual's life better. Activists can make change locally, nationally, and internationally. Sometimes it can be hard to be an activist- young people face particular challenges, including disillusionment with and barriers to political participation. Yet student activists and early-career activists can also be empowered to take action and lead the way to change. Some of the most effective activist strategies focus on learning, participation, and hope.

The following are some modes and methods to help make a difference.

### Instructor's Note: Student Discussion

*[Instructor reviews the different modes of activism and then directs students to “harness the knowledge and experiences of their peers and share their own experiences with these modes of activism” in small groups of 2-3 students. Then ask each group to share what they discussed.]*

### Activism Through Art

Young people can harness their talents to tell their stories through art and music. More specific examples include painting murals, organizing photo exhibitions, posting flyers, and organizing music or dance performances to raise awareness about gender issues. The aim of activism through art is to use art to actively address political and social issues and present them in a creative manner rather than simply speaking about them or describing them. It allows activists to utilize new tactics and strategies to keep social campaigns innovative and potentially more effective.

**Grrrl Brigade:** Grrrl Brigade is a “dance leadership program” that seeks to empower young female activists to work toward gender justice goals through dance. Their mission is to give girls the space and confidence to express themselves physically and emotionally. Grrrl Brigade not only provides young social justice advocates with a way of escaping the daily forms of discrimination they may face, but also gives them the opportunity to teach others of their pain, hopes, and bliss through manipulation and movement of their bodies.

**Homegirl Project:** Homegirl Project is a youth-led organization that empowers the next generation of girls and non-binary youth of color to become leaders, innovators, storytellers,

and changemakers in our communities. Through storytelling, mentorship and fellowship, the Homegirl Project empowers girls of color by giving them the tools to take on leadership roles in politics and other fields where women of color are underrepresented.

## **Activism Through Awareness-Raising**

Youth activists can also combat gender discrimination and inequality by creating spheres that allow for discourse and education of the public on gender justice issues. Many times, one of the most challenging aspects of activism is getting people to realize that the problem/issue is widespread and in need of attention.

Social media provides an important tool for young activists to raise awareness around different issues. Hashtags and Instagram have been used by young activists to expose sexist school dress codes (#PassTheSkirt and #IamNotaDistraction), support everyday LGBTQI+ activism (@justlgbtstuff), and bring attention to the lack of girls of color in books (Marley Dias and #1000BlackGirlBooks). Activists can create their own hashtags and share them on platforms like Instagram and Twitter to raise awareness around issues important to them. Youth activists have also been active on Youtube- Ryan Jacob Flores started a channel when he was 16 to promote transgender justice.

Besides social media, youth have been active in other forms of awareness raising. Nadya Okamoto of New York City founded PERIOD. at 16, which distributes feminine hygiene products to those in need and seeks to remove stigmas around menstruation. Sameer Jha from California started the Empathy Alliance when they were 14 to create safer schools for LGBTQI+ and non-gender conforming students through education workshops.

## **Activism Through Media Advocacy**

Media advocacy is the use of traditional media such as television, newspaper, and radio to advance an agenda. Young gender justice can blog, write articles for youth newspapers, conduct radio and television interviews on traditional platforms to advance their goals. Young women in New York for example, with the help of Girls for Gender Equity, engage in community organizing, radio interviews, public speeches, and television appearances.

## **Activism Through Political Participation/Political Outreach**

Young people can advocate for gender equality in a number of ways at the local and national levels. Political activism can take many forms, including: participating in or organizing protests and rallies, lobbying legislators, contacting elected officials, and creating and signing petitions.

Young activists lobby for the passage of or opposition to specific legislation that pertains to gender justice. For example, young activists from the Trans\* Teen Project advocated for the passage of a bill in California (Bill 1266 in 2013) that prohibits discrimination in public schools



on the basis of gender identity. In Colorado, young gender justice activists testified at the Colorado legislature, urging the state to adopt a comprehensive, medically and scientifically accurate sexual education program.

Young people are voting in record numbers: the highest ever percentage of young voters voted in the 2018 midterm elections (47%). This large young voter turnout was aided by March for Our Lives, an organization that tours the country advocating for gun policy reform, registered 50,000 new voters along the way. Firearm ownership is related to intimate partner violence and disproportionately harms women. In fact, 50% of all women shot to death in the U.S. were shot by their intimate partners.<sup>74</sup>

## **Activism at School**

Young people can successfully advocate for gender equality in school through campus-based campaigns and events. Students can start feminist clubs and host events such as documentary-screenings or panels that focus on a variety of gender justice issues. They can also organize assemblies, debates, study circles, and open discussions. Students can also use student clubs as channels for raising awareness and hosting events. Lastly, students can create and join student government associations and meet with faculty and administration to advocate for change.

High school students have been particularly influential in reproductive justice advocacy, where they have promoted more comprehensive sexual health/education programs. Students have influenced sexual education through independent advocacy. For example, Colorado students testified in favor of a controversial sexual education reform bill barring abstinence-only programs and requiring that sexual education programs include information about condoms and contraception, abortion, consent, and LGBTQI+ sex and relationships in public and charter schools, and were credited as instrumental in the bill's passage.

Young activists may also partner with larger nonprofit organizations in these advocacy efforts. One such nonprofit organization, the Advocates for Youth, empowers youth activists who promote comprehensive sexual education policies including information about contraception/condoms, sex, relationships, and queer sexual health.

High school students also engage in gender-justice advocacy by opening Genders & Sexualities Alliance Network (formerly Gay-Straight Alliance Network) chapters and promoting queer equality at their high schools. GSA Network empowers student leaders to “create school communities where all students can be safe from discrimination, harassment, and violence based on their sexual orientation or gender identity.” Students at schools with a GSA feel safer and are less likely to hear homophobic remarks than students who attend schools without a GSA.

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<sup>74</sup> Federal Bureau of Investigation, Uniform Crime Reporting Program: Supplementary Homicide Reports (SHR), 2012-2016.

## Transformative Justice as a Non-carceral Gender Justice Activism

The transformative justice movement opposes the use of the criminal justice system to address gender-based violence and aligns itself with the broader goals of the prison abolition movement. Transformative justice approaches aim to reduce gender-based violence by empowering marginalized communities to identify and dismantle the racist/oppressive systems that perpetuate gender-based violence. The black feminists leading this movement, such as Dr. Ruth Wilson Gilmore, advocate for community-specific prevention and accountability strategies. Such strategies range from educational campaigns and self-defense classes, to more radical methods involving the community isolation or ostracization of perpetrators of gender-based violence. Anti-carceral approaches to gender justice are also victim-centered, and seek to assist and protect victims of gender-based violence.

**Young Abolitionists (YA)** is a youth-led activist group out of Boston that was formed in 2012 when a group of friends came together to resist the prison industrial complex. The founding members shared routine experiences of racist policing, which became the first cause of action for the group. Now, YA takes on issues related to the prison industrial complex like sexism, the patriarchy, homophobia, intersectional discrimination, poverty, and healing. YA conducts workshops at schools and youth centers on the following issues: The Prison Industrial Complex, The School to Prison Pipeline, Know Your Rights/Stop and Frisk (lawyer present to answer legal questions), The History of the Police (from slavery to mass incarceration) and Prison Abolition.

### Student Activity: Create Your Own School Project Related to Gender Equality Advocacy

[Estimated completion time: 45 minutes.]

[Instructor: Divide the students into small groups of about 4-5 people each and tell them that they have 30 minutes to develop a concrete activist strategy that they can use in their community moving forward. Advise students not to choose a topic that is too broad or they may face difficulties answering the questions in the activity. Give them about 45 to 60 minutes to develop the strategy and have them focus on the key points below. This assignment can also be extended a weeklong project; allowing the students to do more research when preparing their presentation after planning preliminary steps through this initial exercise.]

- Identifying a specific gender equality or discrimination problem in their own school/community that they want to address.
- Develop a specific way to address the problem, using one or more of the strategies discussed above.
- Develop specific steps to take in order to implement the strategy.

[Instructor: While working in their groups, emphasize that mutual agreement between participants is key. As the groups discuss, check in to make sure students are on-task and

make suggestions. Each group will present their plan to the entire audience. In their presentation, teams are expected to communicate their strategy clearly and address all of the following considerations.]

- What is the specific gender-related problem in your school/community you and your group are addressing?
- What is your campaign goal?
- Changes that need to happen to achieve the goal?
- What is your strategy and what specific steps will you take?
- What are the activities that should be implemented?
- How does your strategy address the problem?
- Who is your target?
- What are the possible risks or challenges you might face?
- What support might you need going forward to implement your campaign?

After each presentation, allow students to ask questions and give constructive feedback to each team. Students will then present campaigns and compare common issues they identified.

## **Conclusion**

We've learned a lot about gender inequality in the United States and across the world, yet we have only scratched the surface of many large and complicated issues. Activists must commit to ongoing education and continue to learn about these issues. You can keep learning by reading online sources, taking classes in schools and at university, and finding a community of people who are committed to gender equality just like you. Remember—you can do a lot, but you don't have to do it alone! Making our communities more equal is all about action and community.

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# Gender Equality and Human Rights in the United States

Educator's Toolbox: Instructional PowerPoint



**Leitner Center**  
for International Law and Justice

AT FORDHAM LAW SCHOOL, NEW YORK CITY

# Introductory Note: Framing Gender

The Educator's Toolbox is designed to explore the concepts of gender equality and gender-based discrimination in the United States and worldwide; with particular emphasis on the systemic oppression of women and girls (including those who experience intersecting oppressions) and LGBTQI+ people.



# Modules

Module 1: Introduction to Gender Theory

Module 2: Introduction to Human Rights

Module 3: Feminism

Module 4: Gender-Based Violence and Harassment in the United States

Module 5: Intersectional Discrimination & LGBTQI+ Equality in the United States

Module 6: Methods of Youth-Led Gender Justice Advocacy

# Establishing Ground Rules for Respectful Discussion



Respect, Share, Listen, Ask

# Module 1: Introduction to Gender Theory



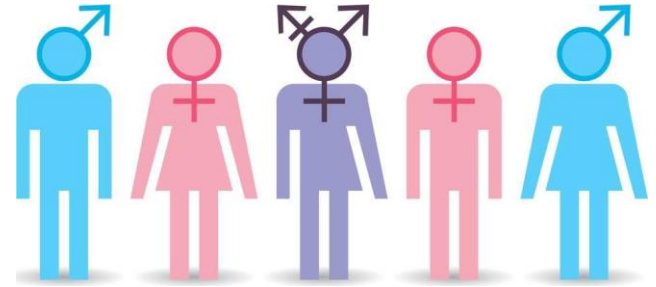
- ❖ Section 1.1: Gender as a Social Construction
- ❖ Section 1.2: Gender Norms and Stereotypes
- ❖ Section 1.3: Introduction to Gender Inequality and Patriarchy
- ❖ Section 1.4: Concept of Masculinities
- ❖ Section 1.5: Introduction to LGBTQI+ Identities

# Section 1.1: Gender as a Social Construction

- Introduction to the concept of socially constructed practices and ideas in society
- Social constructions affect various aspects of our lives
- For example, the idea of a nation is a social construction
- Even borders on a map are social constructions
- Social constructions can place limits on our freedoms and choices
- Historically narrow view of gender
  - What it means to be a man/boy or a woman/girl

# What Gender is... and is not

- Not the same as biological sex/assigned sex at birth
- Gender norms are learned
- Prescribes roles and breeds expectations
- Creates often limiting socially acceptable ways of behavior
- Gender and gender identity are not the same as sexual orientation



## Section 1.2: Gender Norms and Stereotypes



???

# Gender Norms and Stereotypes



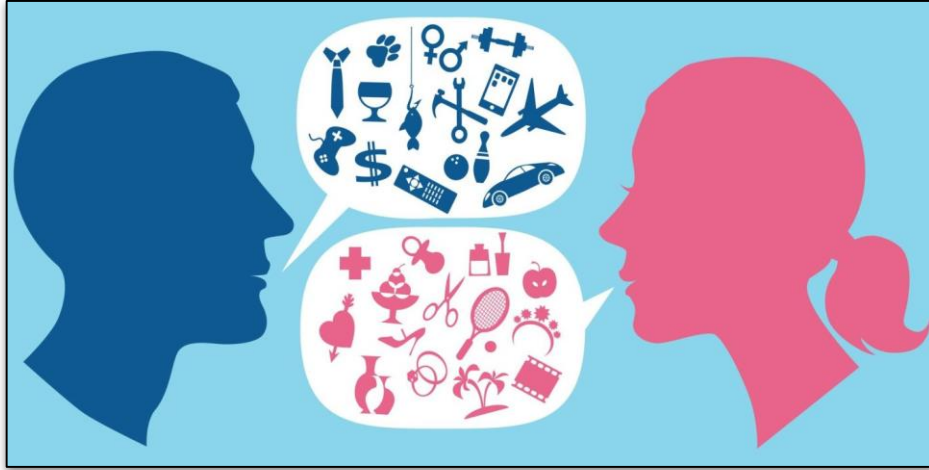
The stereotype in this case is thinking “doctor” implies “man”.

Gender Stereotypes

Gender Norms

*Gender norms are learned.*

# Gender Norms and Stereotypes



*Gender norms are learned.*

- For example: dress and act; role in family; gender professions
- Gender norms are learned
- Pressures to conform to traditional gender norms
- LGBT/queer men and women



# Activity: Gender Norms and Stereotypes in Advertising

What gender norms and stereotypes are portrayed or challenged in these ads?



# Activity: Gender Norms and Stereotypes in Advertising

What gender norms and stereotypes are portrayed in this ad?



# Activity: Gender Norms and Stereotypes in Advertising

What gender norms and stereotypes are portrayed in this ad?



# Activity: Gender Norms and Stereotypes in Advertising

What gender norms and stereotypes are portrayed in this ad?



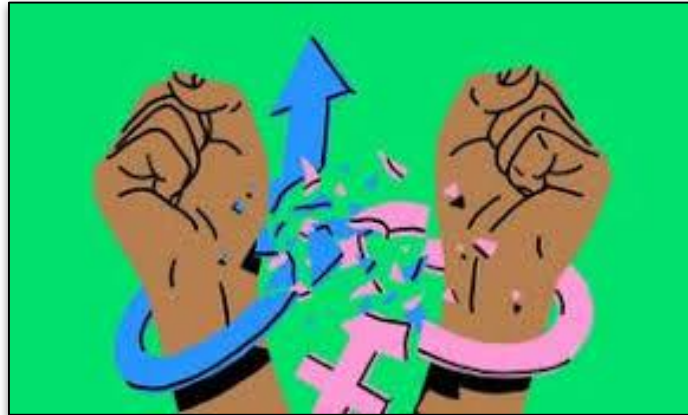
# Activity: Gender Norms and Stereotypes in Advertising

What gender norms and stereotypes are challenged in this advertisement?



# Discussion

Why are gender stereotypes harmful?



## Section 1.3: Introduction to Gender Inequality and Patriarchy



- Gender equality
- Gender discrimination
- Patriarchy

# Activity: Gender Inequality 'True' or 'False'

Question 1. Worldwide, only 50% of working-age women are in the formal labor force. True or false?

True.

In 2015, only 50% of working-age women were in the labor force, compared to 77% of working-age men.



# Activity: Gender Inequality 'True' or 'False'

Question 2. Close to half of all women in the U.S. have experienced some form of intimate partner violence. True or false?

True.

About 45.6% of U.S. women have experienced intimate partner violence. Young women are disproportionately affected - 71.1% of women who experience IPV are under the age of 25.

## Activity: Gender Inequality 'True' or 'False'

Question 3. About 10% of men in the U.S. have experienced some form of intimate partner violence. True or false?

False.

Nearly a third of men (33.6% or 37.3 million) experienced some form of intimate partner violence (contact sexual violence [rape, being made to penetrate someone else, sexual coercion, and unwanted sexual contact], physical violence, and/or stalking by an intimate partner) in their lifetime.

# Activity: Gender Inequality 'True' or 'False'

Question 4. About 50% of women in the U.S. have experienced some form of sexual violence (including rape, being made to penetrate someone else, sexual coercion, and unwanted sexual contact) in their lifetime. True or false?

True.

43.6% of women in the U.S. (nearly 52.2 million) experienced some form of sexual violence in their lifetime.

# Activity: Gender Inequality 'True' or 'False'

Question 5. The United States has the highest rate of female incarceration in the world. True or false?

True.

30% of incarcerated women worldwide are incarcerated in the United States, despite the fact that women in the United States only make-up 4% of the global female population.

# Activity: Gender Inequality 'True' or 'False'

Question 6. In the United States, queer women are more likely to become incarcerated than straight women. True or false?

True.

42% of women in prison identify as lesbian or bisexual. Lesbian and bisexual women are 8-10 times more likely to be incarcerated than straight women.  
40% of girls in the juvenile justice system identify as LGBTQI+ and/or gender-nonconforming.

# Activity: Gender Inequality 'True' or 'False'

Question 7. Immigrant women in the U.S. have higher infant mortality rates than U.S.-born women. True or false?

False.

Interestingly, immigrant women in U.S. actually have lower rates of infant mortality than U.S.-born women. This comes despite the fact that immigrant women are much less likely to be insured than U.S.-born women and must often deal with language and cultural barriers when accessing healthcare.

# Activity: Gender Inequality 'True' or 'False'

Question 8. Teenage girls and teenage boys are equally likely to be victims of revenge porn (i.e. to have their sexually explicit photos shared without consent). True or false?

False.

Teenage girls are nearly twice as likely to be victims of revenge porn. Approximately 9% of teenage girls have had their own sexually explicit photos shared without their consent, compared to 5% of male teenagers.

# Activity: Gender Inequality 'True' or 'False'

Question 9. About 5% of women in the U.S. live with a disability. True or false?

False.

12.8% of women in the US live with a disability; the national average of Americans (including males) living with a disability is 12.7%. Persons with disabilities constitute the world's largest minority group.



# Activity: Gender Inequality 'True' or 'False'

Question 10. A woman with a disability is as likely to be employed as a woman without a disability. True or false?

False.

Only 28.3% of women with a disability in the civilian labor force (able and willing to work) were employed in 2018, compared to 68% of women without a disability.

# Activity: Gender Inequality 'True' or 'False'

Question 11. 90% of employees who experience harassment never file a complaint.  
True or false?

True.

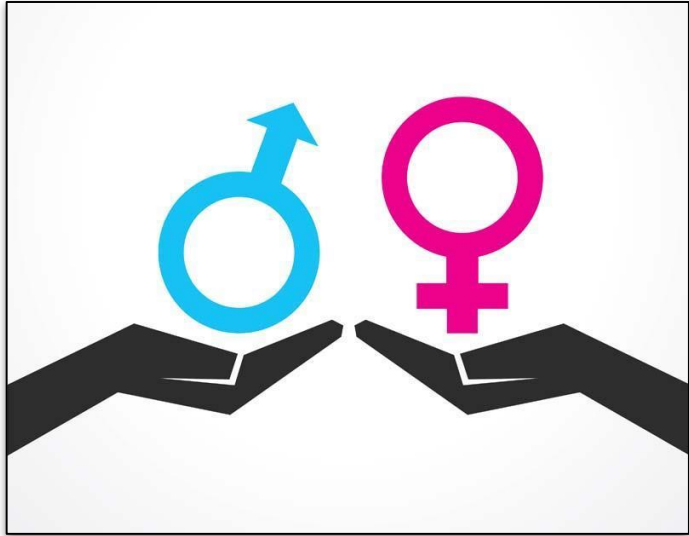
Additionally, 75% never complain internally to their employers.

## Section 1.4: Concept of Masculinities

- Masculinity is socially constructed and varies across time and place
- Speech, behavior, social interaction, and division of labor
- Masculine characteristics prioritized over female ones
- No single definition of “man”



# Dominant Masculinity and Toxic Masculinity



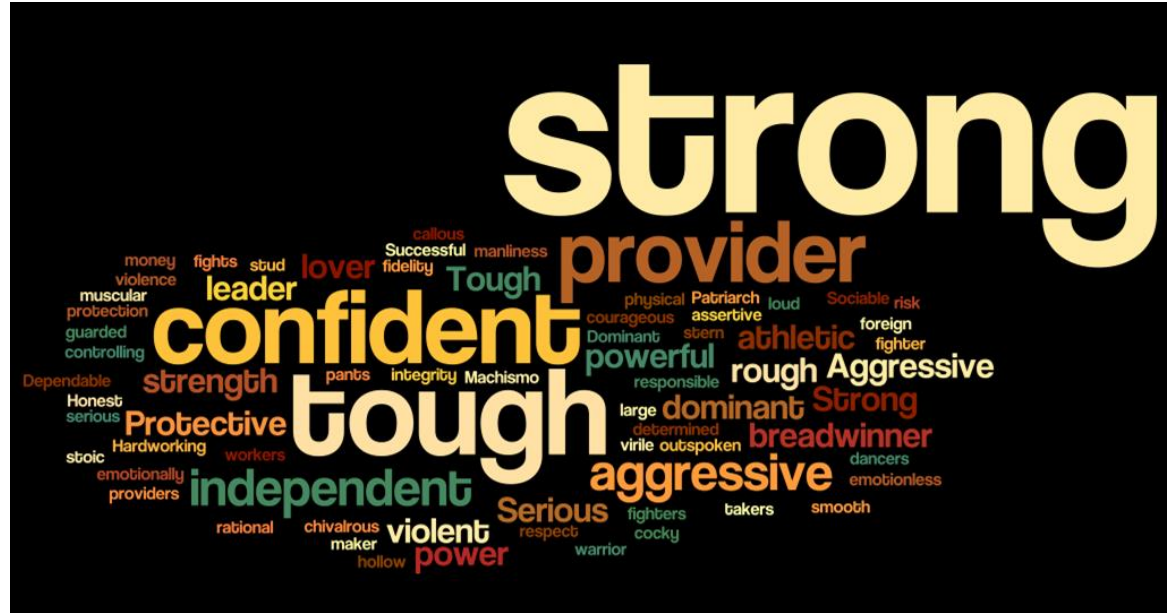
- Dominant masculinity
- Toxic masculinity
- Harmful effect of a narrow definition
- Non-conforming leads to being labeled as “less than a man”
- International community incorporates men into gender equality work
- Gender equality benefits everyone

# Activity: Masculinity in the United States

What are examples of masculinity and masculine norms?

Do people usually follow these norms?

What happens if people do not adhere to them?



# Section 1.5: Introduction to LGBTQI+ and Queer Identities

- Queer and LGBT Studies
- Sexual Identities:
  - Lesbian, gay, and bisexual (LGB)
  - Pansexual
  - Intersex
- Heteronormativity
- Gender Identities:
  - Cisgender
  - Transgender
  - Gender non conforming
  - Genderqueer
- Gender pronouns
  - She/her/hers and he/him/his
  - They/them/theirs

L	G	B	T	T	Q	Q	I	A	A	P
<b>Lesbian</b> A woman who is primarily attracted to women.	<b>Gay</b> A man who is primarily attracted to men; sometimes a broad term for individuals primarily attracted to the same sex.	<b>Bisexual</b> An individual attracted to people of their own and opposite gender.	<b>Transgender</b> A person whose gender identity differs from their assigned sex at birth.	<b>Transsexual</b> An outdated term that originated in the medical and psychological communities for people who have permanently changed their gender identity through surgery and hormones.	<b>Queer</b> An umbrella term to be more inclusive of the many identities and variations that make up the LGBTQ+ community.	<b>Questioning</b> The process of exploring and discovering one's own sexual orientation, gender identity and/or gender expression.	<b>Intersex</b> An individual whose sexual anatomy or chromosomes do not fit with the traditional markers of "female" and "male."	<b>Ally</b> Typically a non-queer person who supports and advocates for the queer community; an individual within the LGBTQ+ community can be an ally for another member that identifies differently than them.	<b>Asexual</b> An individual who generally does not feel sexual desire or attraction to any group of people. It is not the same as celibacy and has many sub-groups.	<b>Pansexual</b> A person who experiences sexual, romantic, physical and/or spiritual attraction to members of all gender identities/expressions, not just people who fit into the standard gender binary.

# Breakout Group Discussion

LGBT/Queer communities have been expanding our understanding of sexuality and gender identity. What do you think is the societal benefit of these expanded ideas about sexuality and gender identity?

How can you challenge your biases and assumptions about gender and sexuality? How can you confront/challenge the heteronormative biases, assumptions, or beliefs of others?

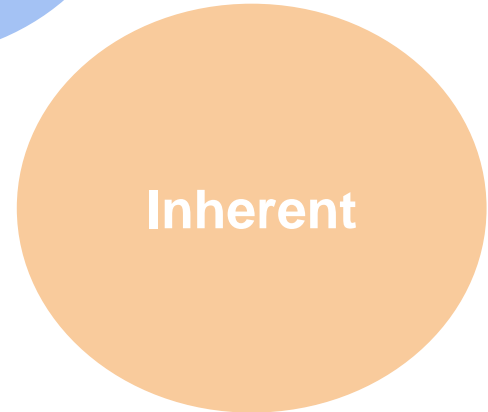
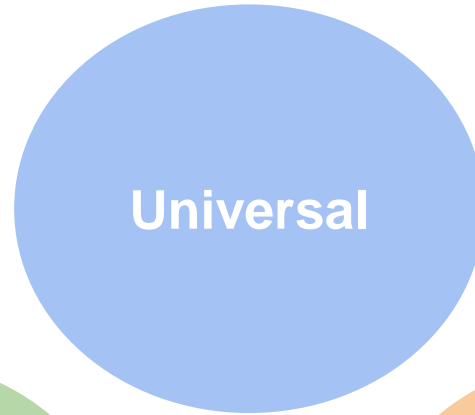
# Module 2: Introduction to Human Rights



- ❖ Section 2.1: Human Rights Principles
- ❖ Section 2.2: Human Rights and International Law
- ❖ Section 2.3: Women's Rights as Human Rights in International Law
- ❖ Section 2.4: LGBTQI+ Rights as Human Rights in International Law
- ❖ Section 2.5: Human Rights and the United States Constitution



## Section 2.1: Human Rights Principles



# Activity: Identifying Human Rights



What does this baby need to thrive throughout their life?

What will they need to fully develop as a human being?

## Section 2.2: Human Rights and International Law

- Right to Life
- Right to Liberty and Security
- Freedom of Movement
- Right to a Fair Trial
- Right to Privacy, Family, Home
- Freedom of Religion
- Right to Education
- Right to Work
- Right to Physical and Mental Health
- Right to Vote
- Freedom of Association
- Freedom of Expression
- Equality before Law

# Status of US Ratification of Human Rights Treaties

- **ICCPR**: International Covenant on Civil and Political Rights (U.S. ratified in 1992 but has not signed or ratified either Optional Protocol)
- **ICESCR**: International Covenant on Economic, Social and Cultural Rights (U.S. signed in 1977 but has not ratified)
- **CEDAW**: Convention on the Elimination of All Forms of Discrimination against Women (U.S. signed in 1980 but has not ratified)
- **CRPD**: Convention on the Rights of Persons with Disabilities (U.S. signed in 2009 but has not ratified)
- **ICERD**: International Convention on the Elimination of All Forms of Racial Discrimination (U.S. ratified in 1994)
- **CAT**: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (U.S. ratified in 1994)
- **CRC**: Convention on the Rights of the Child (U.S. signed in 1995 but has not ratified)

# Activities: Human Rights and World War II and Debate the Origin of Human Rights

Why do you think the international community decided to establish the United Nations in the period immediately following World War II?

Are human rights inherent in being human (do they exist independently of the United Nations or a governing body)? Or are human rights dependent on being written down and enforced by the United Nations?

## Section 2.3: Women's Rights in International Law

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

- Provides guidance in eliminating discrimination against women
- Recognizes that temporary special measures may be needed
- Articulates a need for the eradication of harmful social, cultural and traditional practices

The U.S. has not ratified CEDAW since it was adopted by the U.N. in 1979.

# Activities: Perspectives on Ratifying CEDAW and Debate on CEDAW

Consider the advantages and disadvantages of the United States ratifying the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Why might some Americans oppose ratification?

Why might others support ratification?

Debate the advantages and disadvantages of ratifying CEDAW.



Suffragettes Annie Kenney and Christabel Pankhurst campaigning for women's suffrage.

## Section 2.4: LGBTQI+ Rights as Human Rights in International Law

- UN concern started in 1990s
- Since early 2000s, research on LGBTQI+ human rights violations
- In 2011, Human Rights, Sexual Orientation and Gender Identity resolution
- In 2012, Human Rights Council panel discussion
- Independent expert appointed





# Activities: Recommendations to UN Independent Expert and Oral Proposal to UN Independent Expert

The UN appointed an independent expert to travel around the world in order to investigate and report on pressing human rights challenges facing the LGBTQI+ community. Pretend that the UN independent expert has asked for your advice in planning their country visit to the U.S. What areas or topics do you recommend the UN independent expert investigate with regard to human rights difficulties facing the LGBTQI+ community in the U.S.?

Present your recommendations orally to the 'UN panel.'



## Section 2.5: Human Rights and the United States Constitution

- UDHR - Adopted by UN in 1948
- Laid foundation for international human rights law
- Many civil/political rights are similar to rights in the U.S. Bill of Rights and U.S. Constitution
- Due Process/Equal Protection Clauses
- UDHR also guarantees economic, cultural, and social rights



# Adoption and Enforcement of International Human Rights

- U.S. has undermined international human rights law through action and inaction
- Failed to ratify many international treaties such as CEDAW
- Foreign affairs conduct has violated human rights principles

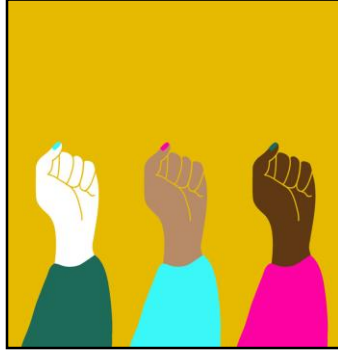


# Activity: The United States and International Human Rights Law

Despite its initial leadership role in the human rights movement, why do you think the United States has at times undermined international human rights law by

- (1) failing to ratify international treaties whose goals align with Constitutional/UDHR values and
- (2) conducting foreign affairs in ways that violate human rights principles?

# Module 3: Feminism



- ❖ Section 3.1: Defining Feminism
- ❖ Section 3.2: Feminism Throughout History

# Section 3.1: Defining Feminism

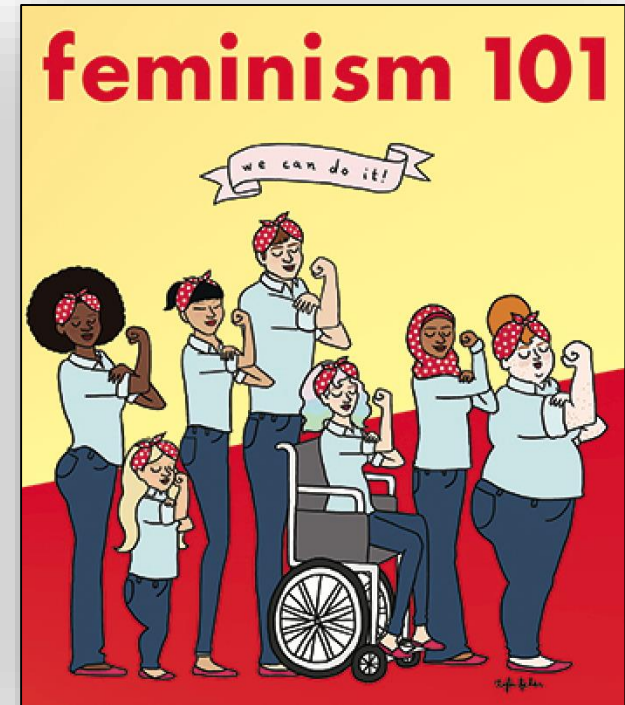
## Misconceptions About Feminism

- Feminists hate men.
- Feminists want all women to have power over all men.
- Feminists hate women who work in the home.
- Feminists are all against religion.
- Men cannot be feminists.



# Activity: Defining Feminism Together

- Different variations of feminism
- Diverse group that does not always agree
- However, some important common characteristics
- Let's work on a definition



# What is Feminism?

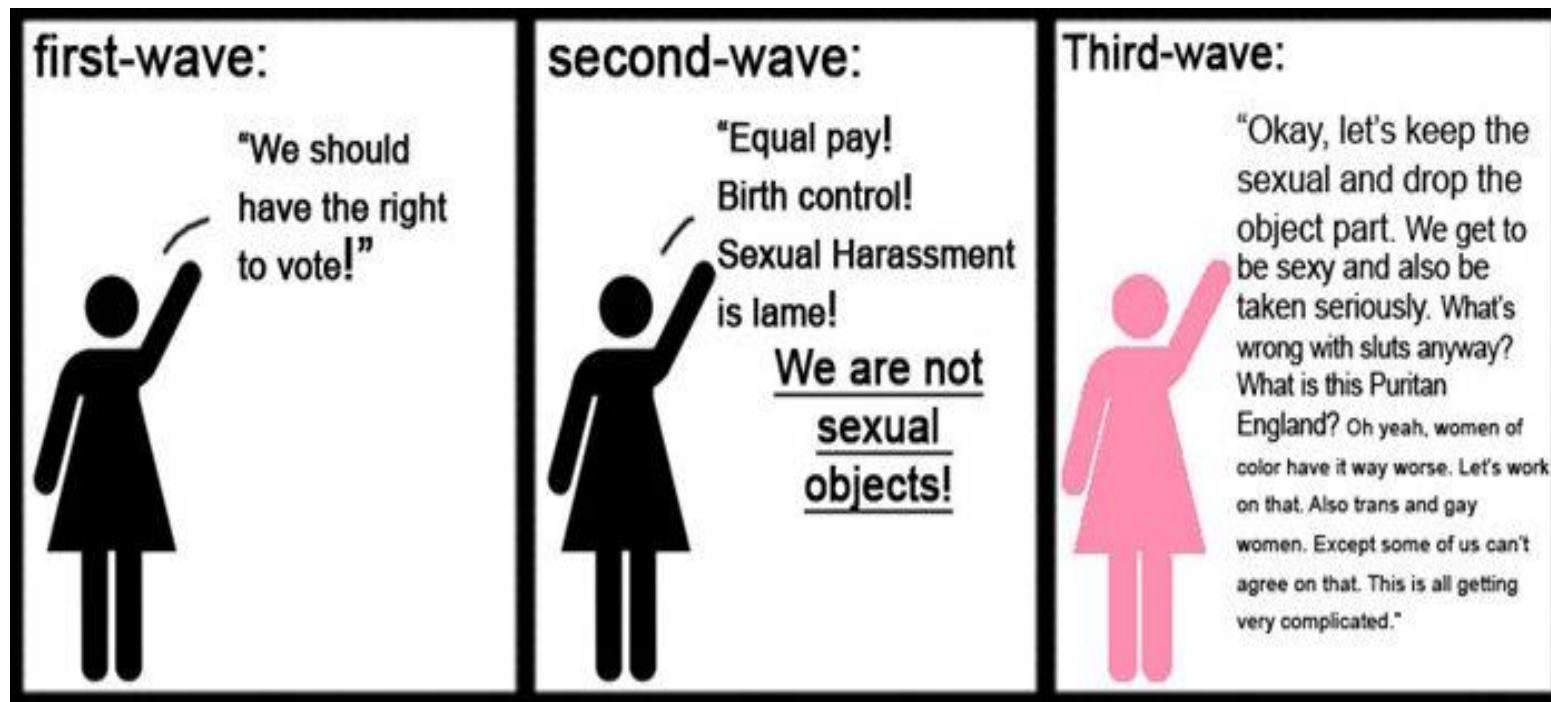
FEMINISM is the belief in social, political, and economic equality between men, women, and gender non-conforming people.

FEMINISM involves movements for social change that aim to realize the social, political, and economic equality between men, women, and gender non-conforming people.

To liberate all women and girls, FEMINISM must include a critique not only of patriarchy but also other systems that oppress women (e.g., racism, colonialism, homophobia, transphobia, ableism, xenophobia, and economic inequality).



## Section 3.2: Feminism Throughout History



# Feminism Throughout History: The “Waves”

## First Wave Feminism:

- Mary Wollstonecraft, *A Vindication of the Rights of Woman* (1792)
- Emerges in 19th Century/early 20th Century in United States and the West
- Concerned with legal rights (primarily suffrage/the right to vote)
- Not advocating for “private rights” (e.g. abortion, reproductive health, etc.)
- Dominated by white middle-class women
- In U.S. closely aligned with abolitionist/anti-slavery movement
- U.S. women gain right to vote in 1920 with passage of Nineteenth Amendment



# Feminism Throughout History: The “Waves”

## Second Wave Feminism:

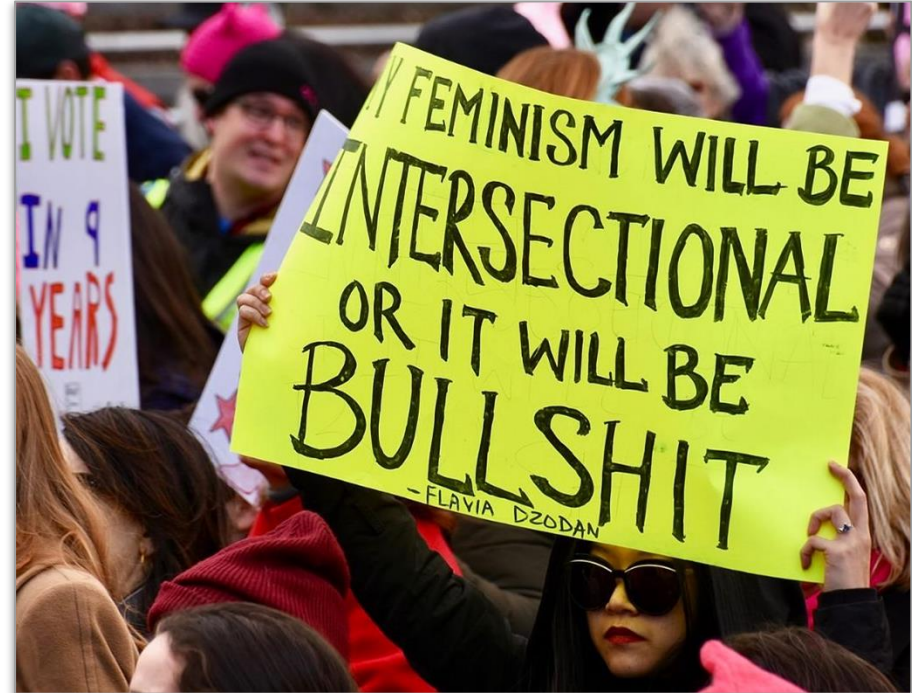
- Betty Friedan, *The Feminist Mystique* (1963)
- 1960s-1980s in United States and other parts of Western world
- Synonymous with the slogan “the personal is political” (beyond suffrage: reproductive rights, equal employment, family life, domestic violence, etc.).
- Still dominated by white middle-class women
- Ends with the “feminist sex wars” of 1970s and 80s



# Feminism Throughout History: The “Waves”

## Third Wave Feminism:

- Emerges in 1990s
- Rejects dominance of white middle-class women
- Inclusion of women of diverse racial, cultural, ethnic, and class backgrounds
- Violence against women, reproductive rights, sexual liberation



# Feminisms Throughout History

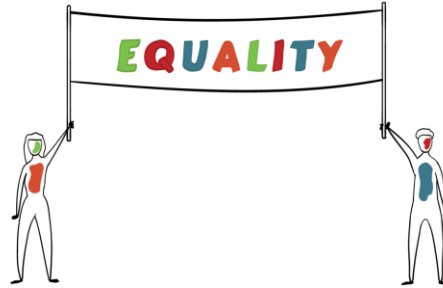
- Black feminism
- Climate justice and feminism
- Transfeminism
- Postcolonial feminism
- Anti-carceral feminism







# Module 4: Gender-Based Violence and Harassment in the United States



- ❖ Section 4.1: Intimate Partner Violence
- ❖ Section 4.2: Workplace Sexual Harassment
- ❖ Section 4.3: Sexual Violence

# Intimate Partner Violence

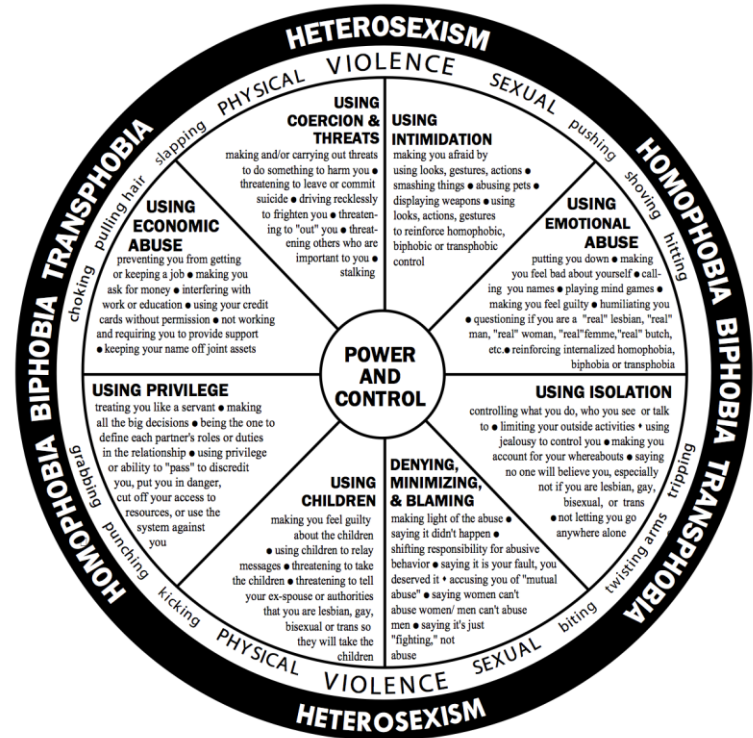




# Section 4.1: Intimate Partner Violence

- 45.6% of women in the U.S. experience some form of intimate partner violence
- Various forms of IPV
  - Physical violence
  - Denial of basic needs
  - Sexual abuse
  - Emotional abuse
  - Financial abuse
  - Technological abuse
  - Stalking

IPV affects mostly women, but can happen to anyone regardless of their gender/gender identity.



# Class Discussion

- What do you think are some of the underlying causes of intimate partner violence?
- Should domestic violence be seen as a private matter between the couple?

# Example of Legislation:

## The Violence Against Women Act (VAWA)

- Enacted in 1994
- Provided support for shelters and rape crisis centers for the victims of IPV
- 2013: added a nondiscrimination provision
- **Criticisms:** VAWA relies on the criminal justice system through mandatory arrest policies



# Example of New York State Legislation: Kari Ann Gorman Act

- Introduced to NY State Assembly in 2015
- Requires schools to include dating violence education and dating violence policies in schools



# House of Representatives Vote Activity

**Proposed Bill:** Provide government funding for police departments that enact mandatory arrest policies in cases of intimate partner violence.



# Sexual Harassment in the Workplace



# Sexual Harassment

**Sexual harassment** is defined as unwelcome sexually suggestive physical or verbal behavior.



Sexual harassment is rampant in countries all over the world. It happens on the streets & on public transportation, in schools & universities, at work, etc.

Sexual harassment can happen to anyone and can be done by anyone regardless of age, gender, sexual orientation, race, etc.

# Sexual Harassment in the Workplace

- Harassment in the workplace is “offensive or insulting conduct that employees must endure to keep their jobs (or in exchange for job benefits), or that is severe or pervasive enough to create a hostile environment at work.”
  1. Quid pro quo sexual harassment occurs when the job conditions of an employee are dependent on their submission to sexual acts.
  2. Hostile work environment sexual harassment occurs when the employee is subjected to sexual advances, offensive gender-related comments, or other types of sex-based harassment that disturbs the work environment.





# Discussion

What role has the #MeToo movement played in the U.S., particularly in the context of sexual harassment in the workplace?



# Legislative Efforts

## New York's 2019 Women's Justice Agenda:

- Protects independent contractors, i.e. domestic workers, vendors, consultants, and subcontractors.
- Non-disclosure agreements must include language stating the option for an employee to file a complaint of harassment or discrimination with state or local agencies, and to testify against their employers.
- Employers with 15 or more employees must adopt sexual harassment prevention policy and training for their employees.
- The statute of limitations for bringing a claim of sexual harassment was extended from one to three years.
- Removed “severe and pervasive” requirement.

# House of Representatives Vote Activity

Proposed Bill:



# Revenge Porn

- “Revenge porn” - the distribution of sexually graphic images of individuals without their consent.
  - May be shared electronically via text, email, social media, or by distributing printed images.
- Terminology: Revenge Porn v. Nonconsensual Pornography
- Girls, women, and LGB individuals are more likely to be victims of NCP.

## Legislative Efforts

- New York law - criminal penalties, malicious intent requirement, third party removal
- SHIELD Act



# House of Representatives Vote Activity on Revenge Porn (NCP)

## Proposed Bill:

This bill will federally outlaw the sharing of nonconsensual pornography (NCP)

1. Those found responsible for perpetrating NCP can be jailed for up to 1 year OR fined up to \$1000; AND
1. Criminal penalties will be imposed ONLY where it has been proven that a perpetrator shared the images with the “malicious intent” of shaming or harming the victim.



# Sexual Violence in the United States



# Sexual Violence in the United States

- Sexual violence hurts people regardless of gender or sexual orientation, race, ethnicity, or socio-economic status
- Young women experience the highest rates of sexual violence
- Survivors of sexual assault often know the perpetrator
- Trans and gender nonconforming people report high rates of sexual assault because of their gender
- Survivors of sexual violence respond in various ways and do not always behave the one might expect; there is no “right” response to experiencing sexual violence

Experience Rate of Rape in Lifetime

Black Women	1 in 5 (20%)
White Women	1 in 5 (20%)
Latinx Women	1 in 7 (14%)
Indigenous Women	1 in 4 (25%)
Multiracial Women	1 in 3 (33%)

# Activism Against Sexual Violence in the United States

## Rape, Abuse, and Incest National Network (RAINN)

- Largest anti-sexual violence organization in the U.S.
- Created and operates the National Sexual Assault Hotline in partnership with more than 1,000 local sexual assault service providers



## Discussion

- Examples of activism on your campuses against sexual violence?



Chat online at:

**[online.rainn.org](https://online.rainn.org)**

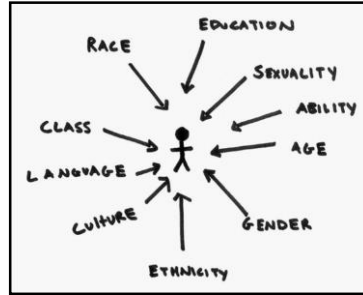


# House of Representatives Vote Activity

**Proposed Bill:** All public high schools are required to incorporate and develop into their curriculum compulsory training for boys on the prevention of sexual violence.



# Module 5: Intersectional Discrimination & LGBTQI+ Equality in the United States



- ❖ Section 5.1: The Need for an Inclusive Vision of Society
- ❖ Section 5.2: Introduction to the Feminist Concept of Intersectionality
- ❖ Section 5.3: Examples of Intersectional Discrimination in the United States and Progressive Legislation, Judgments, and Activism that Seek to Address These Harms
- ❖ Section 5.4: LGBTQI+ Equality in the United States
- ❖ Section 5.5: Progressive Legislation and Judgments Seeking to Advance LGBTQI+ Equality

# Activity: A Walk in the Park



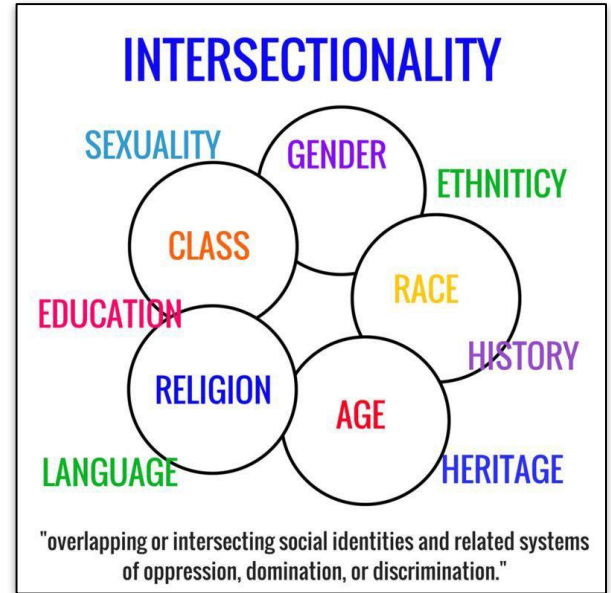
# Black Feminism and the Theory of Intersectionality

Example of intersectionality:

A black woman in the U.S. might face discrimination

- Because she is black (racism)
- Because she is a woman (gender discrimination)

**Intersectionality:** when two or more forms of discrimination overlap



# Immigrant Women in the U.S.



**Breakout Group Discussion:** What specific examples of discrimination do you think immigrant women in the U.S. face?

# Immigrant Women in the U.S.

- Targets of employment discrimination (wage theft, workplace harassment, threats of deportation)
- Xenophobic discrimination and harassment
- Healthcare discrimination: the Affordable Care Act discriminates against immigrants





# Undocumented Women

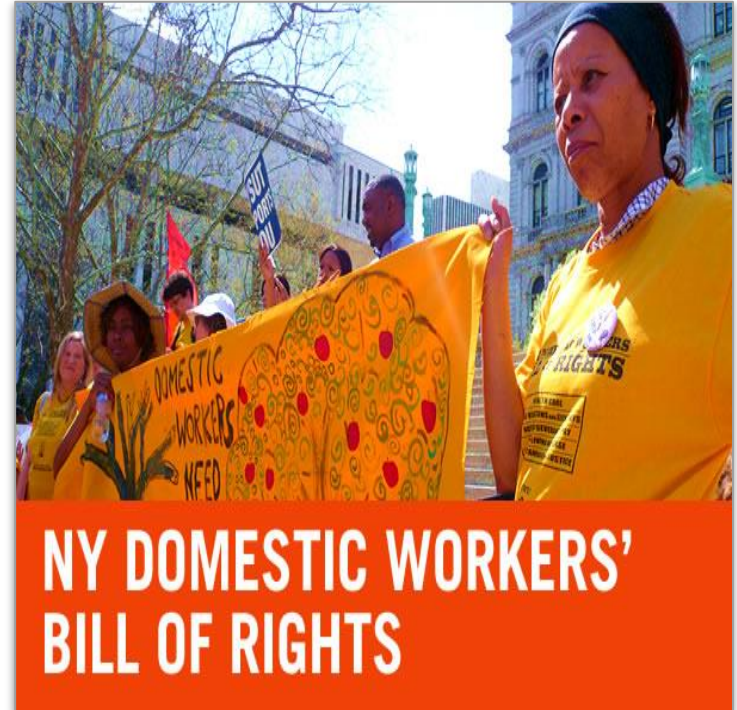
- Undocumented women experience the same vulnerabilities as other immigrant women, but may be more vulnerable because of fear of deportation
- Makes them less likely to report intimate partner violence to the police, go to the doctor, or seek other social services
- Undocumented women detained at the border have unique vulnerabilities (sexual abuse, lack basic necessities and quality healthcare)
- Hielera → Perrera → Family Detention Centers



Women at the hielera, Mother Jones

# Progressive Legislation

- **Federal:** The Violence Against Women Act (VAWA) provides some deportation protections for immigrant victims of intimate partner violence
  - Self petition for a Green Card
- **New York State:** Domestic Workers' Bill of Rights [National Domestic Workers Alliance (NDWA)]
  - Guarantees right to overtime pay and a day off every week
  - Creates special cause of action for domestic workers in cases of sexual or racial harassment





# Women of Color in the U.S.

Targets of many types of discrimination:

- Workplace discrimination
- Wage discrimination
- Misrepresentation in the media
- Maternal mortality crisis
- Higher rates of sexual violence
- Higher rates of incarceration



# Women of Color in the U.S. & Workplace Discrimination

- Full-time working women earn **80 cents** on the white man's dollar
- Full-time working black woman earn **67 cents** on the white man's dollar
- Full-time working Latinx woman earn **54 cents** on the white man's dollar
  
- Black women working in the legal field make 56% less than their white male counterparts.
- Black women computer scientists & engineers make 32% less than their white male counterparts.
- Black women managers make 41% less than white male managers.
  
- The wage gap between black women and white men grows with higher education:
  - 23% gap between black women and white men who did not graduate high school
  - 32% gap between black women and white men who did graduate high school
  - 35% gap between black women and white men with bachelor's and other advanced degrees

# Women of Color in the U.S. & Maternal Mortality

- African-American, Native-American and Alaska Native women are about three times more likely to die from causes related to pregnancy, compared to white women in the United States.
- Increased rates of maternal and infant mortality comes as a result of intersectional forms of discrimination
  - Enduring decades of racism/sexism and other forms of discrimination erodes physical and mental health causing conditions such as hypertension and pre-eclampsia – that lead directly to higher rates of infant and maternal death.

# Women with Disabilities in the United States

**Breakout Group Discussion:** What specific examples of discrimination do you think women with disabilities face in the United States?



# Women with Disabilities in the United States

- Intersectional discrimination
- A disability is considered an impairment of one or more of the following: hearing, visual, cognitive, ambulatory, self-care, or independent living
  - Cognitive disabilities are more common among young adults and mobility disabilities become more common with age
- 12.8% of women in the US live with a disability
- Women with disabilities experience higher rates of gender-based violence and face greater obstacles in accessing resources than women without disabilities
- Women with disabilities experience greater difficulty in employment than women without disabilities
- Women with disabilities are more likely to live in poverty than women without a disability

# Legislation and Activism Regarding People with Disabilities

## Legislation

- Americans with Disabilities Act (ADA): prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications
- Violence Against Women Act (VAWA) addresses violence and abuse of women with disabilities and access to services

## Activism

- ADAPT has been instrumental in preserving the Affordable Care Act and preventing cuts to Medicaid and Social Security by means of sit-ins and other forms of political activism

# Queer Women in the United States

## Breakout Group Discussion:

What specific examples of discrimination do you think queer women in the United States may face?

Consider how queer women of color and/or transgender women may experience unique forms of discrimination



# Queer Women in the United States

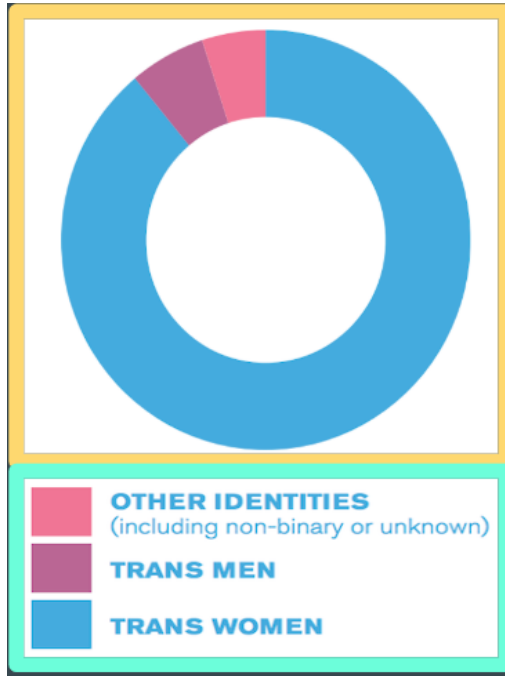
- Social stigmatization and family ostracization
- LBT women experience **intersectional discrimination**
  - Because they are women and because they are queer – due to patriarchy, homophobia, and transphobia.
  - Compounded by other factors including race, class, and socioeconomic status.
- Queer youth and women - more likely to experience homelessness and are more likely to become incarcerated than heterosexual women.





# Queer Women in the United States: Transgender Women

## Gender Identity of Victims



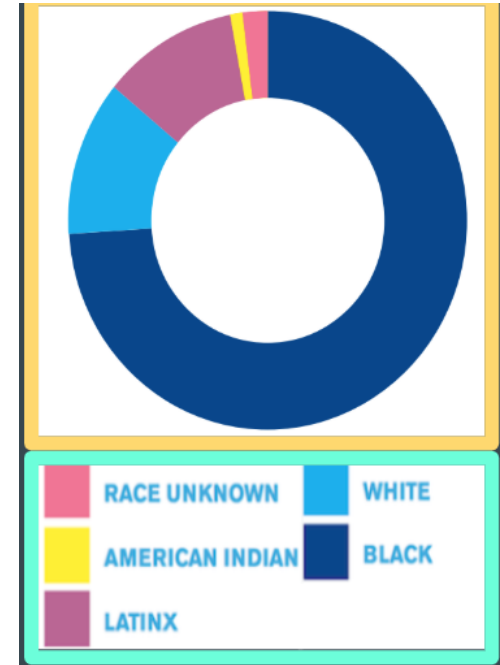
There were 128 killings of trans people between 2013-2018

90% of these victims were trans women

80% were trans women of color

Trans woman are 3x more likely to be assaulted by a police officer than trans men.

## Race/Ethnicity of Victims



# Queer People in the United States: Recent Advances

- In 2015, the right to same-sex marriage was granted by the Supreme Court.
- The 1996 Defense of Marriage Act defined marriage as a union between a man and a woman allowing states to refuse same-sex marriages.
- *Lawrence v. Texas* (2003), the Court struck down a Texas statute criminalizing same-sex activity between two consenting adults in the privacy of their own home.
- In 2011, President Obama declared DOMA unconstitutional.
- By 2015, 37 states had legalized same-sex marriage before the landmark *Obergefell* decision.
- In *Obergefell v. Hodges*, the Supreme Court ruled that under the constitution, the fundamental right to marriage extends to same-sex couples.

# Queer People in the United States: Continuing Challenges

- Ostracization by family members and others
- Discriminatory policing and police violence
- Mass incarceration
- Homelessness
- Conversion therapy
- Trans military ban
- Employment discrimination
- Discrimination in housing + public accommodation
- Discrimination and social stigmatization may be compounded by factors such as race, gender identity, and socioeconomic status



# LGBTQI+ Equality in the United States

Stigmatization &  
Discrimination

Physical & Sexual Violence

Police Harassment & Abuse

Religion & Anti-LGBTQI+  
Discrimination

# Module 6: Methods of Gender Justice Activism



## ❖ Section 6.1: Modes and Methods of Activism

# Module 6: Methods of Activism

- Diverse modes and methods
  - Activism through Art
  - Raising Awareness
  - Political Participation
  - Activism at School
  - Media Advocacy
  - Human Rights-Based Advocacy



# Activism through Art

- Harnessing talents to tell stories
  - Painting Murals
  - Photo Exhibitions
  - Flyers
  - Musical or Dance Performances
- Innovation and creativity



ARTISTS  
FOR +  
POSITIVE  
SOCIAL  
CHANGE

The logo is a vertical stack of five lines of text in a bold, sans-serif font. The first line is 'ARTISTS'. The second line is 'FOR +', where the plus sign is a large orange cross. The third line is 'POSITIVE'. The fourth line is 'SOCIAL'. The fifth line is 'CHANGE'. Each line contains a small, solid-colored geometric shape: a yellow triangle in 'ARTISTS', a red square in 'FOR', a yellow circle in 'POSITIVE', a red triangle in 'SOCIAL', and a yellow triangle in 'CHANGE'.

# Activism through Awareness-Raising

- **Nadya Okamoto** founded PERIOD., which distributed feminine hygiene products to those in need and seeks to remove stigmas around menstruation
- **Sameer Jha** founded Empathy Alliance when they were 14 to create safer schools for LGBTQI+ and non-gender conforming students through education workshops





# Activism Through Political Participation

- Participating or organizing protests and rallies
- Lobbying for new or improved laws
- Contacting elected officials via website, mail, or phone
- Creating and signing petitions
- Testifying before legislators



# Activism at School

- Campus-based advocacy campaigns and events
  - Clubs
  - Documentary screenings
  - Panels
  - Assemblies
  - Student government
- Partnership with larger nonprofit organizations
  - Genders & Sexualities Alliance (GSA) Network
  - Advocates for Youth
- Political Lobbying



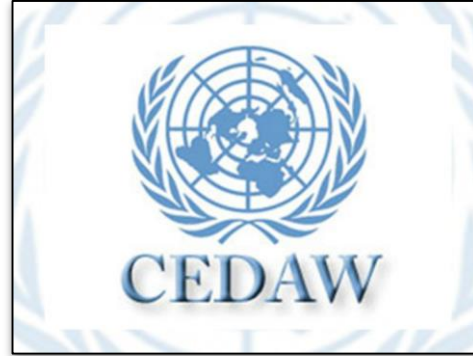
# Social Media Activism

- #PassTheSkirt and #IamNotaDistraction
- @justlgbtstuff
- #1000BlackGirlBooks
- Youtube
  - Ryan Jacob Flores started a channel at 16 to promote transgender justice



# Human Rights Based Advocacy

- Conceptual framework
- Aims to strengthen rights-holders claims and enable duty-bearers to meet obligations
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)



# Transformative Justice as a Non-carceral Gender Justice Strategy

- The transformative justice movement opposes the use of the criminal justice system to address gender-based violence
- Requires dismantling of racist/oppressive systems perpetuating gender-based violence
- Aligned with prison abolition movement
- Calls for community-specific prevention and accountability strategies



Led by black feminists  
such as Dr. Ruth Wilson  
Gilmore

# Transformative Justice: Youth Activism - Young Abolitionists (YA)

- Issues of interest:
  - Prison industrial complex
  - Sexism
  - The patriarchy
  - Homophobia
  - Intersectional discrimination
  - Poverty
  - Healing
- Conducts workshops at schools on: The Prison Industrial Complex, The School to Prison Pipeline, Know Your Rights/Stop and Frisk (lawyer present to answer legal questions), The History of the Police (from slavery to mass incarceration) Prison Abolition.



# Student Activity: Create Your Own Gender Equality Advocacy Project!



# Conclusion





# Student Workbook

## Gender Equality and Human Rights in the United States



**Leitner Center**

for International Law and Justice

AT FORDHAM LAW SCHOOL, NEW YORK CITY

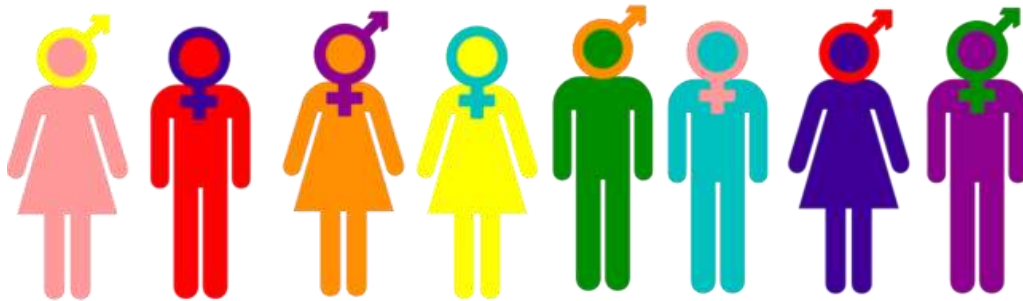
This Student Workbook is one part of a three-part Educator's Toolbox.

The Educator's Toolbox is comprised of three separate instructional media: an Instructor's Manual, an Instructional PowerPoint, and a Student Workbook.

## Table of Contents

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## Module 1: Introduction to Gender Theory



### Module Summary

In Module 1: Introduction to Gender Theory, we'll first discuss the concept of gender as a social construction. Then, we'll discuss gender norms and stereotypes and provide an introduction to gender inequality and patriarchy. Finally, we'll discuss the concept of masculinity and provide an introduction to LGBTQI+ identities.

### Module Contents

- ❖ Section 1.1: Gender as a Social Construction [no activity]
- ❖ Section 1.2: Gender Norms and Stereotypes
- ❖ Section 1.3: Introduction to Gender Inequality and Patriarchy
- ❖ Section 1.4: Concept of Masculinities
- ❖ Section 1.5: Introduction to LGBTQI+ Identities

## SECTION 1.2: GENDER NORMS AND STEREOTYPES

### Activity: Solve the Following Riddle

Now we will talk about gender norms and stereotypes. I'd like to present you with this riddle:

A man and his son are driving in a car one day when they get into a fatal accident. The man is killed instantly. The boy is knocked unconscious, but he is still alive. He is rushed to the hospital and in need of immediate surgery. The doctor enters the emergency room, looks at the boy, and says... "I can't operate on this boy; he is my son."



**How is this possible?** Write a short response in the space provided.

[illegible]

## SECTION 1.3: INTRODUCTION TO GENDER INEQUALITY AND PATRIARCHY

### Activity: Gender Inequality 'True' or 'False'

Answer the following questions by circling 'true' or 'false.' Your instructor will provide you with the correct answers.

Question 1. Worldwide, only 50% of working-age women are in the formal labor force.

True

False

Question 2. Close to half of all women in the U.S. have experienced some form of intimate partner violence?

True

False

Question 3. About 10% of men in the U.S. have experienced some form of intimate partner violence.

True

False

Question 4. About 50% of women in the U.S. have experienced some form of sexual violence (including rape, being made to penetrate someone else, sexual coercion, and unwanted sexual contact) in their lifetime.

True

False

Question 5. The United States has the highest rate of female incarceration in the world.

True

False

Question 6. In the United States, queer women are more likely to become incarcerated than straight women.

True

False

Question 7. Immigrant women in the U.S. have higher infant mortality rates than U.S.-born women.

True

False

Question 8. Teenage girls and teenage boys are equally likely to be victims of revenge porn (i.e. to have their sexually explicit photos shared without consent).

True

False

Question 9. About 5% of women in the U.S. live with a disability.

True

False

Question 10. A woman with a disability is as likely to be employed as a woman without a disability.

True

False

Question 11. 90% of employees who experience harassment never file a complaint.

True

False

## SECTION 1.4: CONCEPT OF MASCULINITIES

### Key Definition: Masculinity

Masculinity refers to social constructions of manhood, or how society shapes and defines what it means to be a man. Masculinity, or manhood, varies across time in history and global communities, because societal expectations change based on place and time.

### Key Concepts: Dominant Masculinity and Toxic Masculinity

The dominant masculinity in society is usually made up of traits that often do not overlap with social constructions of femininity, including things like being the breadwinner and excelling in your career, not showing emotions, being highly sexual, and proving one's heterosexuality via homophobia.

Toxic masculinity is a term that is used to describe a form of masculinity that limits the range of allowable emotional expression for boys and men to anger, aggression, and dominance.

#### Activity: Masculinity in the United States

Write a short response that answers the following questions. What are examples of the types of masculinity and masculine norms in the United States? What happens to men who do not fit those norms?

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## Module 2: Introduction to Human Rights



### Module Summary

In Module 2: Introduction to Human Rights, we'll first explore human rights in the context of international law, women's rights, and LGBTQI+ rights. Then, we'll compare human rights and key United States documents.

### Module Contents

- ❖ Section 2.1: Human Rights Principles
- ❖ Section 2.2: Human Rights and International Law
- ❖ Section 2.3: Women's Rights as Human Rights in International Law
- ❖ Section 2.4: LGBTQI+ Rights as Human Rights in International Law
- ❖ Section 2.5: Human Rights and the United States Constitution



## SECTION 2.1: HUMAN RIGHTS PRINCIPLES

### Key Definition: Human Rights

Human rights are the rights that everyone is entitled to simply because they are human beings. Human rights protect fundamental rights and dignity, and everyone is entitled to these rights without discrimination.

### Activity: Identifying Human Rights

Look at the picture below and answer the following questions.



What does this baby need to thrive throughout their life? What will they need to fully develop as a human being? Write a short list in the space provided.

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## SECTION 2.2: HUMAN RIGHTS AND INTERNATIONAL LAW

Human rights are expressed in international law. International human rights law defines governments' obligations to undertake certain actions and to refrain from taking certain actions in order to promote and protect human rights.

### Activity: Human Rights and World War II

Consider the nature of World War II as a global conflict that involved millions of people across much of the world. Why do you think the international community decided to establish the United Nations in the period immediately following World War II? Write a short response in the space provided.

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### Activity: Debate the Origin of Human Rights

There are two views on the origin of human rights: (1) that human rights are inherent in being human or (2) that human rights only exist if an authority (say, the United Nations) says they do. What do you think? Are human rights inherent in being human (do they exist independently of the United Nations or a governing body)? Or are human rights dependent on being written down and enforced by the United Nations?

Once your instructor divides you into two groups, one group supporting view (1) and the other group supporting view (2), debate this important consideration.

## SECTION 2.3: WOMEN'S RIGHTS AS HUMAN RIGHTS IN INTERNATIONAL LAW

### Activity: Perspectives on Ratifying CEDAW

Consider the advantages and disadvantages of the United States ratifying the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Why might some Americans oppose ratification? Why might others support ratification? Write two short lists in the space provided.

Advocates of ratifying CEDAW might say:

Opponents of ratifying CEDAW might say:

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### Activity: Debate on CEDAW

Pretend you are a Senator. A bill has been presented that advocates for the ratification of CEDAW. Once your instructor divides you into two groups, debate the advantages and disadvantages of ratifying CEDAW based on the considerations you listed above.

### Activity: Recommendations to UN Independent Expert

A graphic featuring a rainbow flag with the text "LGBTQI+" in the center, positioned on the right side of a page with horizontal lines.



Pretend you must convince the UN investigator to adopt your investigation recommendations. After you have listed the areas or topics you recommend the UN independent expert investigate with regard to human rights difficulties facing the LGBTQI+ community in the United States, prepare a brief oral statement to communicate your recommendations. The oral statement should (1) summarize your recommendations, (2) briefly explain why these areas or topics are important, and (3) list at least one person or organization or group that the UN investigator should interview.

## SECTION 2.5: HUMAN RIGHTS AND THE UNITED STATES CONSTITUTION

## Activity: The United States and International Human Rights Law

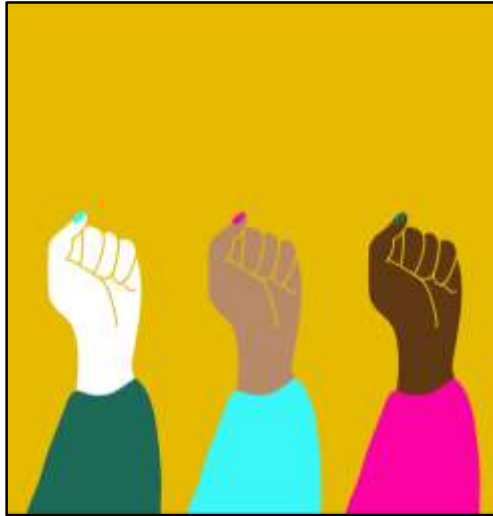
Despite its initial leadership role in the human rights movement, why do you think the United States has at times undermined international human rights law by (1) failing to ratify international treaties whose goals align with Constitutional/UDHR values and (2) conducting foreign affairs in ways that violate human rights principles? Write your response in the space provided.

## Key Comparison: The Universal Declaration of Human Rights and the U.S. Constitution

Universal Declaration of Human Rights	United States Constitution
<p><u>Article 2</u></p> <p>Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.</p> <p><u>Article 6</u></p> <p>Everyone has the right to recognition everywhere as a person before the law.</p> <p><u>Article 7</u></p> <p>All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.</p> <p><u>Article 12</u></p> <p>No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.</p>	<p><u>14th Amendment, Clause 1</u></p> <p>All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.</p>

Universal Declaration of Human Rights	United States Constitution
<p><u>Article 23</u></p> <ol style="list-style-type: none"> <li>1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.</li> <li>2. Everyone, without any discrimination, has the right to equal pay for equal work.</li> <li>3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.</li> <li>4. Everyone has the right to form and to join trade unions for the protection of his interests.</li> </ol> <p><u>Article 24</u></p> <p>Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.</p> <p><u>Article 25</u></p> <ol style="list-style-type: none"> <li>1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.</li> <li>2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.</li> </ol>	<p>No comparable rights.</p>

## Module 3: Feminism



### Module Summary

In Module 3: Feminism, we will define feminism and discuss changes of the feminist movement throughout history. Then, we will discuss feminism's interaction with different human rights movements.

### Module Contents

- ❖ Section 3.1: Defining Feminism
- ❖ Section 3.2: Feminism Throughout History

## SECTION 3.1: DEFINING FEMINISM

### Activity: What Does Feminism Mean to You?

Expand on your thoughts about feminism in the space provided below. Write about what you think feminism means. Reflect on whether you think it is a positive or a negative frame of thinking. Do you think it makes sense as an ideology, political movement, and social movement?

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There are many myths and misconceptions about feminism, such as the following:

- Feminists hate men.
- Feminists want all women to have power over all men.
- Feminists hate women who work in the home.
- Feminists are all against religion.
- A man cannot be a feminist.

Throughout history, there have been many different variations of feminist movements, and people who describe themselves as feminists are an incredibly diverse group who do not always agree on political or social issues. However, there are some characteristics that we should all agree on when it comes to a general definition of the components of feminism. So as individuals, then as small groups, then as our larger group, I'd like us to try and define what the essential characteristics of feminism are.

### Activity: Defining Feminism Together

In small groups, share your thoughts about your definition of feminism. Try to find some commonalities among everyone's definitions. The group should come up with one cohesive definition of feminism that combines the common or important individual definitions and elements from the group discussion. Each group will then share their thoughts with the rest of the class.



## SECTION 3.2: FEMINISM THROUGHOUT HISTORY

Over the centuries, there have been many different “waves” of feminist thought. The movement’s history can be divided into three important waves:

- First wave feminism
- Second wave feminism
- Third wave feminism

### Types of Feminism Today:

- Black feminism
- Climate justice and feminism
- Transfeminism
- Postcolonial feminism
- Carceral feminism
- Anti-carceral feminism

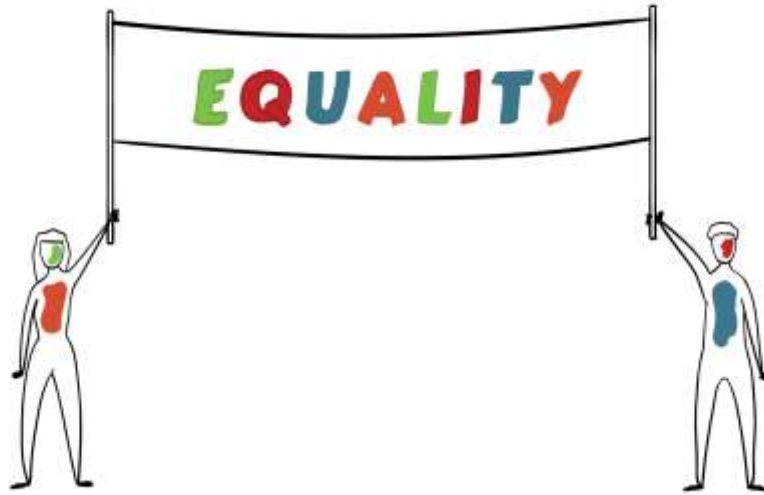
### **Activity: Anti-Carceral Alternatives to Justice**

In small groups, discuss potential alternatives to punishment and incarceration that will deal with those who have inflicted gender-based violence on others. *Hint:* try to think about survivor healing as the main objective in this exercise.

Below list three ways we can bring justice to those who have survived gender-based violence and also to those accused of committing this type of violence.

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2. \_\_\_\_\_  
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3. \_\_\_\_\_  
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## Module 4: Gender-Based Violence and Harassment in the United States



### Module Summary

In Module 4: Women's Rights and Gender Equality in the United States, we will explore gender inequality and discrimination in the United States. with a focus on the following case studies: intimate partner violence and sexual violence. We will then discuss examples of legislation, judgments, and activism that seek to advance women's rights and gender equality in the realm of intimate partner violence and sexual violence.

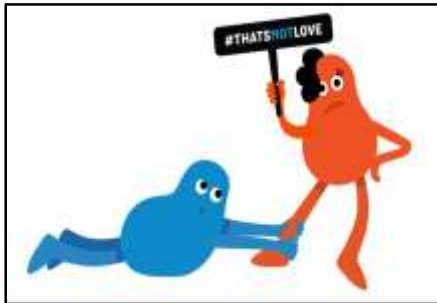
### Module Contents

- ❖ Section 4.1: Intimate Partner Violence
- ❖ Section 4.2: Workplace Sexual Harassment
- ❖ Section 4.3: Sexual Violence

## SECTION 4.1: INTIMATE PARTNER VIOLENCE

### Activity: Reflection on Intimate Partner Violence

Take a moment to reflect on what we just learned about intimate partner violence and answer the questions below. Be prepared to discuss in class.



List some of the forms of intimate partner violence we just learned about. Did any of the forms of IPV surprise you? What do you think are some of the underlying causes of intimate partner violence?

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Should intimate partner violence be seen as a private matter between couples?

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## SECTION 4.2: WORKPLACE SEXUAL HARASSMENT

### Activity: Understanding Workplace Sexual Harassment

Directions: Test your understanding of workplace sexual harassment and respond to the questions below.



1. If something was meant as a joke or compliment, can it still be sexual harassment?

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2. Does sexual harassment need to be physical? What are some examples of non-physical sexual harassment?

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3. Why might employees hesitate to report inappropriate sexual conduct? What are some possible forms of retaliation?

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4. How can you support someone who experiences sexual harassment in the workplace?

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## SECTION 4.3: SEXUAL VIOLENCE

### Activity: Consequences of Sexual Violence

Reflect on what we have discussed about sexual violence and respond to the question below. Be prepared to discuss with the class.

What do you think are some of the consequences of sexual violence on the individual and societal levels?

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Who do you think is most vulnerable to sexual violence in society? Why? Think about the statistics on sexual violence we just learned about.

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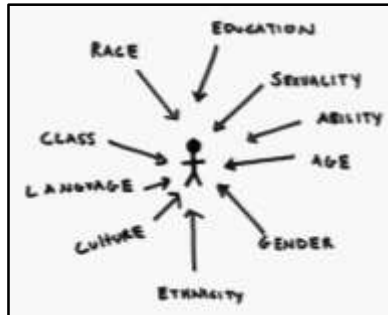
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# Module 5: Intersectional Discrimination & LGBTQI+ Equality in the United States



## Module Summary

In Module 5: Intersectional Discrimination & LGBTQI+ Equality in the United States, we will discuss the need for an inclusive vision of society and introduce the concept of intersectionality. Then, we will provide examples of intersectional discrimination in the United States and discuss progressive legislation, judgments, and activism that seek to address these harms. Finally, we discuss LGBTQI+ equality in the United States and progressive legislation and judgments seeking to advance LGBTQI+ equality.

## Module Contents

- ❖ Section 5.1: The Need for an Inclusive Vision of Society
- ❖ Section 5.2: Introduction to the Feminist Concept of Intersectionality
- ❖ Section 5.3: Examples of Intersectional Discrimination in the United States and Progressive Legislation, Judgments, and Activism that Seek to Address These Harms
- ❖ Section 5.4: LGBTQI+ Equality in the United States
- ❖ Section 5.5: Progressive Legislation and Judgments Seeking to Advance LGBTQI+ Equality

## SECTION 5.1: THE NEED FOR AN INCLUSIVE VISION OF SOCIETY

### Activity on Inclusion: A Walk in the Park



As you read the following description of a park, imagine the park in your mind. After you are finished, answer the question in the space provided.

Take a minute to imagine yourself in a public park. Just for now it is empty of people. It's a warm summer's day, the trees are heavy with leaves and the sun breaks through to make you feel warm. There is a slight breeze; you can feel it on your face. As you look forward you can see a path winding its way far into the distance. Around the path, there are patches of cut grass and large leafy trees. The only sounds are of birds singing and chirping.

You hear the birds. You feel the heat of the sun and are refreshed by the slight breeze. You look in front of you and decide to follow the path.

You begin to walk and you move along the path and hear voices in the distance. You look first to your right and then to your left, and you notice a young child kicking a ball. The child throws the ball into the air and catches it as it falls. You notice the ball fall hard into the child's hands. Two people are playing with the child – you smile and wave towards them noticing the smiles on their faces.

You continue to walk around some large trees and pass two people sitting on a bench. They are laughing loudly – you try to hear what they are saying. You move again along the path and see a couple walking towards you holding hands. They walk past you as you look at them.

As you walk on a number of men are sitting on a bench by the path, talking and laughing – you look at them one by one.

As you walk on you are nearing the gate of the park, you walk through the gateway and in front of you, you see this hotel. You walk into the hotel and then into this conference room. You sit on the chair and feel it under you. You begin to slowly open your eyes.

### **Follow-up Questions**

1. When you saw the child with the ball, was the child female?
2. The two people you saw with the child, did you imagine them to be the child's parents? If so, were they a man and a woman? Two women? Two men? ☐ ☐ ☐
3. The two people sitting on the bench, were they able-bodied? ☐ ☐ ☐
4. The couple holding hands that was walking towards you; were they two women or two men? Were they one woman and one man?
5. The group of men on the bench, were they old? Young? Were they able-bodied?
6. Was everyone in your park: Able-Bodied? ☐ ☐ Young or middle-aged or old? ☐ ☐
7. Were there any transgender people in your park?
8. Were there any gender non-conforming people in your park?
9. Were there couples of the same gender in your park?
10. Were there different ethnic groups in your park? ☐ ☐
11. Were there any people with visible disabilities in your park?



### Reflection: A Walk in the Park

Think: Who did not appear for you at all in your park? Why do you think this was the case?

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This activity shows us who we see, who we include in our vision of society and who we subconsciously do not include/erase in our vision of society. We want a society of inclusion, a vision of a society where everyone is seen, everyone is included, everyone is acknowledged. Especially groups who have historically not been included (Like people with disabilities. LGBTQI+ people. Immigrants. Older people. Women). The idea of intersectionality, which we'll discuss next, shows us why inclusion and a vision of society in which everyone is seen is so important.



## SECTIONS 5.2 TO 5.5: QUESTIONS

### Activity: Definition of Intersectionality

Define “intersectionality.” Consider how you or someone you know may have experienced intersectional discrimination.



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### Activity: True or False

1. African-American, Native-American and Alaska Native women are about three times more likely to die from causes related to pregnancy, compared to white women in the United States. \_\_\_\_\_
2. Women with disabilities experience higher rates of gender-based violence, including intimate partner violence, when compared to women without disabilities. \_\_\_\_\_
3. Immigrants make up 5% of the United States Population. \_\_\_\_\_
4. Transgender women, especially transgender women of color, are particularly likely to experience police-perpetrated violence. \_\_\_\_\_
5. Federal law prohibits employment, public accommodation, and housing discrimination against LGBTQI+ people. \_\_\_\_\_

### Activity: Reflection Question

Name 3 things that you learned from the intersectional discrimination section. Did any of these facts surprise you? Why or why not? (*ex. I learned that the wage gap between black women and white men grows as education levels increase. I was surprised because I did not think that more educated women of color were vulnerable to this issue.*)

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## Module 6: Methods of Gender Justice Advocacy



### Module Summary

In Module 6: Methods of Gender Justice Advocacy, we will explore diverse modes and methods of activism regarding gender and human rights, including activism through art, raising awareness, political participation, activism at school, media advocacy, and human rights-based advocacy.

### Module Contents

- ❖ Section 6.1: Modes and Methods of Activism

## SECTION 6.1: MODES AND METHODS OF ACTIVISM

### Activity: Create your Own Gender Equality Advocacy Project

Form groups of 4-5 and develop an advocacy strategy that you can use in your own community. Choose one or two topics you would like to focus on for your project and answer the questions below.

**Identify a specific gender equality or discrimination problem in your own school or community that you would like to address. Why is this important to you and your community or community?**

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**Develop a strategy to tackle this problem. How can you use the methods described above? Be creative!**

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**Develop specific steps to implement your strategy. Think about how you can make your project happen!**

[illegible]