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# **The Greek Legislation on Transgender People's Rights and the Educational Processes of the Youth's Socializing towards Gender-related Identity Choices**

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## **Author's contribution**

*The sole author designed, analysed, interpreted and prepared the manuscript.*

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## **ABSTRACT**

This study is concerned with political discourse development on transgender people's rights in Greece in terms of intentions and legislation, directly correlated with the education policy and educational act. Focus is placed on the period 2017-2019 in order to analyse political symbolic discourse constructions about transgender people's rights. To this end, political texts, interventions by the Ministry of Education, Institute for Education Policy (IEP) and pressure groups are the focal point of this study. Based on discourse analysis, we delve into meanings conducive to forming narratives on gender as well as the biological, social and sexual identity. Educational practices, in particular, are utilized to analyse issues of applied gender-related education policies in Secondary education. The policy of intentions along with the legislation is deconstructed into interpretative conceptualisations on gender as well as educational practices defined by the value system. Distinctive features of the Greek culture regarding the identities of the "other (male) and the "other" (female) in terms of gender are also taken into consideration. As far as the education system is concerned, the role of the Christian orthodox religion is highlighted in relation to developing curricula and the overall school operation. More special issues on equality, inequality, solidarity and

citizenship are re-defined, putting forward the apparatus for constructing discourse on inequality and the legalized marginalization of one more group of "others". The implemented education policy is particularly interesting because every time a political ideological section on the policy of rights is discredited, every procedure of adapting social upgrading is downplayed; and this issue does not concern solely the policy of transgender people's rights. Despite the existing law on transgender people's rights, which is in line with the European Union and international organisations' decision, this study reveals that Greek males and females are not socialized within educational institutes in order to accept the "other" (male) or the "other" (female) in terms of gender. Selective educational interventions are accomplished by IEP, as the transgender issue is included in a broader thematic on sexual identity. Thus, the question whether education can contribute to a new narrative on transgender people's rights is still pending.

*Keywords: Christian orthodox religion; Greek culture; Greek legislation; educational practices; rights; transgender people.*

## 1. INTRODUCTION

This study seeks to explore policies on transgender identity within the Greek educational setting, after the passing of L. 4491/2017 about the legal acknowledgement of gender identity. This law represents the left wing SYRIZA governmental policy, which is rather differentiated from the right wing viewpoints. The SYRIZA government have stated their intention to put forward transgender people's rights as this is portrayed by the left wing publication of AVGI and Editors' newspapers. It is noteworthy that LGBTQI and transsexual pressure groups collaborate towards showcasing their rights in terms of body self-determination as well as selecting biological gender and social identity. They aim at highlighting features with regard to gender construction, adaptation procedures in educational institutes, eventual value generalizations or cancellations, educational community trends and broader issues tied to the policy of rights. In this respect, this study aims at revealing the continuation or discontinuation of the Greek education policy regarding the support or cancellation of issues tied to the new normative and value model, which includes new sets of rights to body self-identification and self-determination.

In brief, theoretical fields from political sociology, the construction of social self along-side broader issues tied to the Sociology of Education are utilized to define the operation of education in terms of a socializing carrier for young people participating in the educational process and the society in general. In addition, International Organizations' surveys along with significant Greek surveys have been scrutinized regarding gender [1-11] so that defining this issue in Greece and in comparison with other countries is feasible. To this end, qualitative researches on

the issue of gender have also been taken into consideration [12] along with biographical analysis researches [13].

The necessity for this study stems from the policy of rights as defined by L. 4491/2017 and the corresponding socio-political rights of transgender people. Theoretically speaking, the educational community should consider transgender people's rights so as to develop gender-related social equality programmes that could include all groups of citizens [14-18].

However, the number of studies on the implemented education policy in Greek educational institutes is limited. It seems that despite the passing of the law, it is uncertain whether political intentions will create the prerequisites for a different educational attitude and behaviour supporting new value models.

The lacking sexuality education is showcased by exploring the implemented education policies on students' gender-related socialization, also triggered by the passing of the law about transgender people's rights. It seems that the law itself is rather insufficient, since the features of the educational culture are not altered towards education that could be conducive to individuals' socializing in new value models. As a result, understanding and solidarity among people, such as reinforcing the possibility for personal gender-related choices, biological and social identity can be supported on the grounds of the right to individual well-being and fulfilment.

## 2. THE RIGHT TO BODY SELF-DETERMINATION

Highlighting the transgender group does not disprove other forms of gender-related social inequalities. On the contrary, their distinctive

features are made known along with the necessity for political resolution of the incongruity between their biological and social identity. The term “transgender people” actually means the individual’s non-identification with ordinary biological and social categories. Thus, the transgender people’s incompatibility among their biological, personal and social identity is expressed as gender discomfort [19,20]. The different determination of their self-image restricts their right to define their social self in their own terms.

The Greek educational community should consider gender discomfort, since its operating socializing framework naturalizes and legalizes sexual orientation [21,22]. The Greek education system is quite conservative and attached to doctrinal Christian orthodox principles. According to the Greek Constitution (2008), article 3, “The domineering religion in Greece is that of the Eastern Orthodox Christ’s Church”. Article 3 has been prevalent throughout all Constitutions of the Greek state ever since its establishment and it is strongly related to shaping the Greek people’s national and religious identity. In particular, the subject of Religious Education taught is characterized by its doctrinal content and exclusive references to the Christian orthodox principles and standpoints both in Primary and Secondary education. The political involvement of the church bureaucratic structure is also interesting. Religious leaders interfere in education through commenting and criticizing on religious and national issues. It is noteworthy that Greek students are not taught basic principles of Theology resulting in their lacking knowledge about values and standpoints of other religions. Although this issue is not of our concern at present, it is evident that lacking knowledge about it causes troubles regarding intercultural understanding, given that Greece has become a reception country for migrants and refugees.

In political terms, “sexual fluidity” [23] refers to personal choices tied to body and its self-determination along with distinctive features and their transformation so that the individual’s desire is fulfilled. The educational community should consider these individuals’ policy of rights, the understanding and interpretation of sexual fluidity and transgender people’s distinctive features, so that they will be included in the normality of the narrative on gender and body self-determination. The transfer to a democratic reading of transgender people’s right to state their gender and body-related discomfort is a necessity for the

social and political system. In this sense, the individuals will be able to define themselves as social and political subjects within the dominant system. On the other hand, their involvement in delinquent or other similar spaces will be avoided, as these spaces take advantage of the state’s inability to include these people as citizens in the policy of rights [24-26]. Therefore, it is made clear that the opening of the Greek school to society presupposes liberation from doctrinal perceptions because the purpose of education is to generate social experiences and to prepare individuals to live and create in the civil society. The social subjects’ individual fulfillment is a prerequisite for smooth social operation through acknowledging the right to body self-determination as well as to their biological and social identity.

### **3. THE POLICY OF RIGHTS FOR TRANSGENDER PEOPLE**

L. 4491/2017 reflects the political will to regulate a social issue in political terms. Transgender people’s policy of rights is an issue of consideration for the international policy of rights, too. The fact that in 2019 the World Health Organization (WHO) delisted transgender people from the mentally ill group of people virtually legalizing other readings on gender discomfort [27] is rather challenging. Including transgender people in the mentally ill people’s catalogue indicated the political intention to characterize them as the “others”; thus, excluding their biological and social needs from the normal needs. People’s stigmatization and social marginalization in terms of sexuality has been a subject of consideration for humanity throughout different time periods in an attempt to penalize sexual desires and define them as delinquent behaviours for the social whole [28]. Thus, the non-reading of these rights in terms of people’s sexual identity resulted in confinement, the deprived political right to be included in society, while socially experiencing their silenced identity. It is possible that delisting transgender people from the WHO categorization as mentally ill entities will accelerate the implementation of their policy of rights.

The Greek legislation significantly precedes the WHO decision by attributing rights to transgender people. In fact, this policy of rights is attributed to a group of citizens, who, although existing as a social whole, were apparently marginalized, socially stigmatized and excluded from opportunity structures regarding their personal

development, educational and professional career. Studies based on biographical analysis have already been conducted in order to illustrate transgender people's viewpoints by emphasizing their discourse as social subjects. In this sense, issues tied to their social identity and strategies to restrict their social and political rights can be underlined [29-31].

In particular, L. 4491/2017 states transgender people's rights as "Personal rights based on identity and gender characteristics". As required by law, the individual as personality shaped by gender characteristics must experience acknowledgement and cannot be excluded from social life in any case. Article 1 states that:

- “1. The person has the right to identify their gender identity as part of their personality.
2. The person has the right to be respected as personality based on their gender characteristics.”

It seems that this law puts forward a group of people having been invisible by the political system up to that moment, given that the political system had not sought to attribute them these rights. Consequently, it naturalized delinquent behaviours and forms of abuse and bullying against these people.

The law importantly defines the concept of transgender and the corresponding group of these people, while the policy of rights develops certain content. Gender is defined as gender identity, experienced by the person itself. This conceptualization acquires a liberating feature in that experiencing gender can be independent from the biologically based gender. Thus, the personal perception of body is emphasized and correlated to gender social expression towards supporting the individual to define their will. Different schools of thought focus on body self-determination, the democratization of desire and broader themes on the humanization of the different [32-37]. At this point, the individual's possibility to intervene by altering features is pointed out, so that they correspond to their intention. Article 2 states that:

- “1. Gender identity is conceptualized as the inner and personal manner by which the person experiences its gender, regardless of the gender registered upon birth based on biological characteristics. Gender identity includes the personal perception of body as

well as social and external expression of gender corresponding to personal will. The personal perception of body can be associated with alterations based on medical treatment or other freely chosen surgical interventions.

2. Gender characteristics are conceptualized as chromosomes, genes and anatomy facial characteristics which include primary characteristics such as genitals or secondary characteristics such as muscles, breasts or hair growing.”

Interventions defined as alterations of the registered gender depend on certain prerequisites corresponding to the personal perception of body and the individual will. Article 3 states that: “Alteration of the registered gender – Prerequisites. 1. In case of incompatibility between gender identity and registered gender, the person can alter the registered gender so that it corresponds to their will, personal perception of body and external appearance”. Taking adolescence into consideration along with broader issues tied to juvenile culture, body self-determination does not exclusively depend on the person's desire. Scientific prerequisites are also foreseen virtually protecting the individual, so that in case they alter the registered gender, this is done upon agreement by the scientific community. Article 3 states that: “2. To alter the registered gender, full legal competency is required. Persons over the age of seventeen (17) are excluded given their parents' written consent, as well as persons over the age of fifteen (15) given that there is further agreement by an interdisciplinary committee established upon the common decision of the Minister of Justice, Transparency and Human Rights and the Minister of Health with a duration of two (2) years. This committee consists of

- a) a child-psychiatrist,
- b) a psychiatrist,
- c) an endocrinologist,
- d) a child surgeon,
- e) a psychologist,
- f) a social worker and
- g) a paediatrician as Chair, all qualified in the specific issue.”

This is actually the resolution of an issue for which the individual's policy of rights includes their protection by non-realistic choices or potential impropriety or wicked influence groups.

#### 4. FROM THE POLICY OF INTENTIONS TO EDUCATION

It should be expected that in Secondary education there would be an association between legislation about transgender people's rights and relevant thematic updates towards avoiding social stigma and exclusion; yet, the issue was downplayed. Any discussion on sexual fluidity apparently contradicts the doctrinal religious content. Religious leaders' reactions to sexual issues are distinctive, especially when it comes to acknowledging people's rights with different sexual orientation. Church-driven bureaucratic standpoints put forward a gender-related normality, biologically defined by the creator, God, and an exclusive association between sexual intercourse and reproduction, namely having offspring.

The political intervention by the Institute for Education Policy (IEP) could be regarded as the continuation of the political planning on transgender people's policy of rights [38]. IEP is staffed by members of the scientific community and reflects the left wing governmental policy. On the one hand, it reflects the political intention for partial disruption of relations with church, and the scientific approach to the policy of rights on the other. Based on careful handling, IEP is attempting to change the structure of the curriculum by incorporating relevant topics in the thematic weeks in High Schools, given that sexuality education is not foreseen either for Primary or Secondary education. It is noteworthy that the pilot implementation of thematic weeks is not included in Primary education, not even in the Lyceum, but only in High School. Ever since the school year 2016-2017, prior to L. 4491/2017, the thematic weeks in High School were intended to include issues on gender stereotypes in the broader thematic "Body and Identity", which included: a) nutrition and quality of life, b) prevention of addictions and c) gender identities [39].

Each thematic unit is broken down in separate thematic units and five categories emerge about gender identity: a) body changes in adolescence, b) gender, sexual orientation and human rights, c) gender stereotypes and gender-based discriminations in family, workplace and society, d) gender violence, domestic violence and violence against women and e) homophobia and transphobia in school and society. IEP, also being a policy carrier for education, provides the corresponding material suitable to investigate

gender-related issues. The policy of intentions apparently includes contents of knowledge from other carriers specialized in investigating gender identities. These carriers are: a) medical centres, b) NGOs, c) state carriers and d) intervening pressure groups. In this frame, actions were taken by the General Children's Hospital of Athens "Panagiotis & Aglaia Kyriakou" – Adolescents' Health Unit – "ALLAZO", General Children's Hospital of Athens "Panagiotis & Aglaia Kyriakou" - Adolescents' Health Unit – "Transgender relationships", Adolescents' Health Unit Paediatric Clinic B' at the University of Athens, Children's Hospital "P & A Kyriakou" – "What happens in adolescence?", Antigoni – centre for information and documentation on racism, ecology, peace and non-violence - "Gender Stereotypes", New Colourful School – "Students' Sensitization on Sexual Orientation, Gender Identity, Gender Expression and Gender Characteristics", Research Centre for equality issues 1 – A tool with guidelines on "Intervention Projects about Gender Equality in Education", Research Centre for equality issues 2 – "An Introductory Guide on Gender Equality Issues in Education", Research Centre for equality issues - 3 "Basic Principles and Guidelines on Using and Deconstructing Audio-visual Messages about Gender perspectives and the production of audio-visual material in the context of Intervention Projects", Research Centre for equality issues –4 "Adolescent Gender Identities: Exploring GENDER within the educational context – a Textbook with educational tools for teachers", Mediterranean Institutes for Studying Social Gender – Youth4Youth, Professional Orientation – Gender Stereotypes – Sensitization Exercises, General Secretariat for gender equality – "Gender perspective in the environment", Department of Pedagogic Primary Education – "All toys for all children". The thematic week, as an innovative process, substantially opens up communication with the broader society by highlighting different fields of thought and consideration and determining the role of education in a democratic system. The channels of communication between the conventional school and society characteristically include the pressure group "New Colourful School" – "Students' sensitization about issues of Sexual Orientation, Gender Identity, Gender Expression and Gender Characteristics" [40]. This is conducive to legalising new readings on knowledge construction, so that the right to social life and political expression is defined and put forward by the groups experiencing gender-related social inequality [41,42].

The thematic week was put forward as an interfering week in the sense that there was resistance against this new and different condition. When exploring teachers' viewpoints, it was found that they were circumspect and stated unable to get involved with issues off their scientific field and the curriculum. At present, a research on teachers' attitudes and behaviours about "sexual fluidity", the right to body self-determination and more special issues about the role of education, is being conducted. The expanded questionnaire includes questions about thematic weeks in order to highlight issues regarding teachers' participation or non-participation in the specific action. An initial processing of research data reveals that teachers are reserved on educating students about gender-based biological and social issues, characterized by them as "sensitive issues". They also seem to be preoccupied with expected reactions from parents, the church, political parties, etc.

The above intervention in the thematic week of 2016-2017 was rather loose. However, throughout 2018-2019 IEP intensified relevant interventions at least in High Schools. After the passing of L.4491/2019 more interventions were realized by the "LGBTQI" community pressure groups. In 2018, Orlando GBT in collaboration with the Secondary education in Athens (region A') organized a two-day conference on sexual orientation and gender identity issues (April, 2018) [43]. The Colourful School organized a two-day workshop in collaboration with the Organization against Drugs (OKANA) titled "Gender discriminations, gender identity and sexuality: Inclusive education as prevention policy against school exclusion" (20-21 June 2019) [44].

The law apparently legalizes new normalities as it is conducive to bridging the gap between pressure groups and educational institutes regarding transgender issues [45-52]. At the same time, throughout the school year 2018-2019, IEP intensified the policy on thematic weeks by emphasizing the enriched material for teachers, parents and students. To this end, the Regional Directorate of Primary and Secondary Education of Attica (PEKES), the Central Board for Health (KESY) and the Centres for Sustainable Education (KEA) were invited to fully support schools through co-ordinated organization and work appraisal in an attempt to formalize this process and showcase its necessity in the Secondary education setting.

This endeavour is based on the implementation of articles 4, 7, 12 and 15 of L.4547/2018. Highly qualified educators coming after school counsellors, and simultaneously being included in the bureaucratic apparatus for guidance, assume the responsibility for co-ordination, supervision and indirect mandatory operation of the thematic week, towards utilizing and evaluating the conclusions drawn. In 2019, IEP has been fully engaged with evaluating the thematic week [53], obviously attempting to re-define objectives and practices. However, there has been lacking interest in putting forward education policy proposals about sexuality education. There are still issues to be evaluated regarding the content of consideration about sexuality, especially for the High Schools that participated in the thematic week. The evaluation is given further importance since homophobia and transphobia were included in the five thematic units: a) body changes in adolescence, b) gender, sexual orientation and human rights, c) gender stereotypes and gender-based discriminations in family, workplace and society, d) gender violence, domestic violence and violence against women and e) homophobia and transphobia in school and society. Moreover, a question is posed as whether any schools were involved in the above topics and, if so, in what way. Interesting information could also be gathered about the material utilized, the carriers involved and the role of education co-ordinators [54-56].

Given that this study was conducted in Greece and pertains only to the Greek education policy and school practices on gender identity issues, it is suggested that this topic be further investigated across European countries. It would be interesting to get insights about what the current situation is regarding gender identity and the corresponding policy of rights across Europe. Additionally, the educational discourse developed in other European educational communities would provide the breeding ground for further discussion and new interpretations.

## 5. CONCLUSION

Even though sexuality education has been a consideration of the Greek education system since 1930, it has never been included in the Curricula of Primary and Secondary education. A brief historic retrospection on sexuality education can reveal time periods when intense interest was placed in including sexuality education in schools. Ever since 1930 there have been

several writings on this issue. In 1964, the same issue was put at the forefront by George Panandreu's reformation. In 1979, a scientific conference on sexuality education was organized by the World Health Organization. In 1995, teachers could be involved in educational projects that included the topic of sexuality education in the context of the broader Health Education project. The year 2000 could be characterized as a time milestone for the same issue. A book about sexuality education and transgender relationships was published by the Ministry of Education and Religious Affairs, in particular by the department of Health Education in collaboration with the National Institute for the Youth. The publication of this book was based on the partnership between Zisis Papathanasiou (Chair of the Greek Sexology Institute, Doctor in the Department of Medicine at the University of Athens and gynecologist) and Costas Kotzamanis (psychiatrist) [these books were never distributed to students due to intense disagreement by the church]. Later on, in 2003, Costas Askitis undertook the writing of a book titled "Sexuality education" for Primary school students. In 2014, sexuality education was taught in the context of the pilot project "Social school". From 2016 until 2019, sexuality education and gender identity issues have been incorporated in the educational thematic weeks in High Schools.

In Greece, the education policy is apparently distanced from issues tied to sexual identity and body management. Despite the fact that both male and female students potentially search relevant information in broader social and cultural networks, the Greek education system still maintains superficial significance, while avoiding interpretations on identities, in terms of gender and, at the same time, widening the gap through reinforced "secret codes" and irrational interpretations. The issue of gender, particularly gender discomfort, is not incorporated either in the policy of rights or the education policy on familiarizing with sexual orientations and acceptance of others. In other words, biological and social constructions along with sexual diversifications are not evidently included in the context of educational knowledge. Gender-related issues of social reality are classified as peculiarities and fields of knowledge that must not be part of the social school environment. As a result, relevant knowledge is not generated, social representations are not composed and gender-related reality of social identities is not studied. All these lead to the reproduction of distorted knowledge and a distorted version of

social reality in which the individual experiences feelings of guilt through silencing their identity, while policies of social exclusion and marginalization are established in society.

Obviously, a distorted recording of biological and social gender-related issues has been done within ideological frames that obfuscate scientific reality, while legalizing standpoints, views and behaviours towards reinforcing educational silence and, indirectly, social exclusion. Conservative political – ideological references along with religious conceptualizations have pre-defined ideas of normality. As a consequence, any divergence from this model is considered abnormal phenomena on a biological and social level. Greek orthodox religious leaders' reactions were indicatively articulated in 2017 in the form of extremely negative comments about the thematic week that involved gender identities. The archbishop of Kalavryta particularly stated that it was "disgrace, shame [...] for our schools to introduce a wicked and immoral behaviour to students, that could besmirch with dirt all innocent and unaware children's souls". The archbishop of Piraeus reported that "students getting involved with this issue aims at alienating adolescents' ontology and physiology". He characteristically commented that "we are at a point in which the abnormalization of our country's future is introduced". Unfortunately, gender issues receive negative comments by the Roman Catholic Church and conservative political parties, too. Reference can indicatively be made to the recent passing of a law in Poland that penalizes the promotion of any under-aged person's sexual activity. The promotion of sexual activity is considered to be led by sexuality education projects in schools. Homophobia was also supported by the PIS party and the Roman Catholic bishop.

At this point, it must be mentioned one more time that recently, in 2019, transgender people have been delisted from the mentally ill entities catalogue by the WHO. Yet, social exclusion and stigma remain, because even in the case this separation implies the acknowledgement of transgender people's rights and vindication of them, there is no socializing carrier conducive to developing productive content of knowledge, so that choices and attitudes in terms of biological and social gender are legalized. IEP's work throughout 2016-2019 cannot be overlooked, since it managed to include the gender issue in the educational thematic weeks in High School, though a piecemeal endeavour.

All things considered, issues of major consideration both for Greece and other countries should be the construction of knowledge and truth through educational processes towards reinforcing gender-related themes in Primary and Secondary education curricula. In this vein, the political legislative discourse could be enhanced with educational practices so that, on the level of implemented education policy, male and female students could socialize within an environment of co-existence in which personal choices are part of restructured orders of discourse on a gender-related policy of rights. It should be pointed out that Mattel toys company has created a series of neutral gender dolls, "Creatable World". Playing with them, children can decide which features to combine, being indirectly educated on different gender identities. This could contribute to children's socializing within a perspective of refuted stereotypes. Fluidity in gender norms and roles is the outcome of socialization. Besides, social experience in different gender models is conducive to developing a perception on societies' enrichment so that a more tolerable world is created.

Reference is made to a new social relationships and educational practices model according to which the education system is liberated from single-sided views and distorted ideological circumscriptions by separating the political discourse on rights from metaphysical compositions about restricting and monitoring people through discipline systems and conceptual religious strategies of control. Transgender people and the involvement of education in meaning-making about gender-related biological and social features brings the discussion back to revisiting new discourse – analytical approaches relevant to gender, sexuality, body self-determination within a new articulation of knowledge, educational practice, naturalization and meaning about gender and the legalization of normality.

All educational grades are emphasized since they provide the breeding ground for organising sexuality education special courses focusing on people's policy of rights. The point of this action is all people's sexuality fulfillment; yet, without performing any form of abuse to others. The right to life, the right to pleasure and the right to body self-determination are all political rights. Therefore, individuals should not be stigmatized in terms of their sexual choices. Education can become the means by which people's socializing

is reinforced within a humanistic policy according to which the different individual is also equal and holds the right to state their identity. Moreover, lifelong education, besides its economic dimension, should include social dimensions following social and cultural developments. In this sense, people could be educated on a lifelong basis in order to be able to develop new values, norms and models towards reinforcing social justice and democracy. Greece, being the cradle of democracy, should revisit democratic readings about the right to body self-determination, that can be incorporated in democratic values and the policy of rights.

## COMPETING INTERESTS

Author has declared that no competing interests exist.

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