# Construction of Diversified Public Bathrooms: The Awakening of the Awareness of Transgender Group's Rights and Interests Protection in Country X

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Abstract: In current societies, sexual minorities are often discriminated against when using corporate measures in public places. When transgender people use unisex bathrooms in public places, they feel uncomfortable and are determined against by others. This study focuses on whether a diverse public bathroom is constructed to allow transgender people to use the bathroom generally in public places. This study will analyze the legal soundness of this idea before completing an entire program for constructing multi-gender public bathrooms. This paper focuses on the legal rights of sexual minorities in Country X in their daily lives and why people have the right to build separate bathrooms for transgender people in public places. The authors hope that this study can promote people's thinking about gender equality and the awakening of sexual minorities' awareness of protecting their rights.

**Keywords:** multiple genders, gender equality, law, civil rights

### 1. Introduction

In contemporary society, people's awareness of the protection of their rights is being strengthened, and the safety of the fundamental rights and interests of transgender people in public places is gradually being emphasized by the public. Transgender people, as sexual minorities, often hear voices of incomprehension and even discrimination in society. For transgender people, the need to use either the male or female bathroom in a public place can quickly be opposed by males or females who may think that transgender people are making them uncomfortable by using the same bathroom. Presently, it seems that the fundamental rights and interests of transgender people are facing more significant difficulties in real life. Detailed laws on protecting the fundamental rights and interests of transgender people in public spaces already exist in several countries, and these laws protect sexual minorities well. However, there are still apparent deficiencies in the laws protecting sexual minorities in countries such as State X. There are currently no legal provisions in Country X that protect the rights of transgender people to use public facilities. For example, shared bathrooms and social service facilities for all citizens of Country X may not be accessible to transgender people. In legal policy studies on the protection of the fundamental rights and interests of sexual minorities, many scholars have often wondered whether sexual minorities should be accommodated to protect their rights and interests or whether they should be treated as normal human beings. How do people balance the

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interests of the transgender group and other people to protect the rights and interests of transgender people without affecting other people's regular use of the facilities in public places? This is a critical research point. Traditional gender concepts constitute a significant obstacle to developing laws to protect sexual minorities, both in countries where such laws exist and in countries where they do not.

In this study, the research site is located in Country X, and it aims to investigate how to protect the rights of transgender people in public bathroom use without affecting the regular use of other people. In addition, by analyzing all the provisions in the laws, regulations, and different rules and policies of Country X that affect the lives and experiences of transgender people, this study explores how sexual minorities in Country X can start from the details of their lives and safeguard their fundamental rights step by step.

First, this paper will describe the dilemmas that transgender people in Country X face when using public bathrooms daily. By describing cases of gender discrimination against sexual minorities in public facilities in different countries, this study will show how transgender people's fundamental rights can be harmed in real life, as well as elaborate on the obstacles people encounter when trying to protect the fundamental rights of transgender people in public spaces. As there is currently no law in Country X that explicitly includes transgender people, this paper also highlights relevant policies in conjunction with relevant case studies to illustrate the shortcomings of these policies and the flaws in their implementation. Secondly, this study will be a jurisprudential discussion centered on the reasonableness of having separate bathrooms for transgender people in public places. In this section, the study will refer to laws in other countries that protect the rights of sexual minorities, such as Title IX of the U.S. Education Code Amendments: "No person in the United States shall, based on sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance [1]." The theoretical knowledge of jurisprudence in Country X is analyzed to discuss in detail whether the existing laws in Country X can provide jurisprudential support for establishing transgender-specific bathrooms in public places. In Country X's legal system, there is still no law that specifically refers to transgender people, and there is only one policy that explicitly refers to "transgender" or "transsexual" people: the Sex Education Act [2]. Under the premise of the lack of relevant laws, this study draws on the applicable laws and regulations of other countries and, taking into account the current situation of the society of Country X, discusses the necessity and significance of establishing separate bathrooms for transgender people in public places. The study will also list the attitudes and specific initiatives of other countries in safeguarding the fundamental rights and interests of transgender people. Finally, a construction program for transgender bathrooms will be proposed after considering all factors. This program includes institution-building and concrete practical measures.

The overall structure of this study will be analyzed in the order of necessity, justification, and concrete measures to discuss why it is essential to protect the rights of transgender people in Country X to use public bathrooms regularly. Based on the laws protecting sexual minorities, this study takes the construction of separate bathrooms for transgender people in Country X as an entry point to analyze why people need to protect the rights of transgender people to use bathrooms in public places and how to protect their fundamental rights.

The expected value of this study is that it can help transgender people resist gender discrimination in public places, improve the living conditions of transgender people, and contribute to building a society of equality, respect, understanding, and diversity [2]. It is hoped that this study will contribute to the development of laws protecting the fundamental rights of transgender people in public spaces in Country X and that this issue will be taken more seriously by society, providing an impetus for reforming these laws and policies to protect sexual minorities better.

### 2. Difficulties in Establishing Transgender Bathrooms

### 2.1. Difficulties for Transgender People Using Public Bathrooms

In contemporary society, resentment and discrimination against transgender people are pervasive, including in the everyday use of public bathrooms. They have been discriminated against in public bathrooms, which is very common, and their fundamental rights have been violated, both on campus and in other public places. Regardless of the country, people see cases where transgender people are objected to or hindered from using public bathrooms. The Anoka-Hennepin School District agreed to a settlement in a discrimination case brought by a transgender student. The student, a male swim team member at his school, was required to use segregated changing facilities, which he said led to bullying and harassment [3]. There are many more cases of the same type, regardless of the countries in which they are found and irrespective of legal regulations to protect sexual minorities.

Transgender people and other ordinary people have their struggles with using public bathrooms. Most people do not recognize the gender of transgender people. They believe there is no gender other than the binary gender, denying the existence of the diverse genders. So they can't accept using the same bathrooms as transgender people. Transgender people have a gender identity for themselves that is not compatible with their birth sex, so they choose which public bathrooms to use based on their current gender identity. At the same time, some transgender people do not want their identity as a transgender person to be discovered, which causes them problems when choosing to use public bathrooms. Most bathrooms in public places are currently built based on binary gender theory, so for non-binary people, this is very unfriendly. From a comprehensive perspective, the difficulties encountered by transgender people in using bathrooms in public places come from three primary sources. The first is discrimination and opposition from the gender binary population; the second is that transgender people themselves do not want to be known as sexual minorities; the third is that the majority of public bathrooms in society do not take into account the needs of the gender-diverse people.

### 2.2. Difficulties in Establishing Separate Bathrooms for Transgender Groups

The difficulties faced by transgender people in using public bathrooms have aroused the concern of some members of the community, who have also initiated discussions on the construction of separate bathrooms for particular groups. But this is a massive difficulty for the current state of affairs in Country X. There is still not a single law in the legal system of government X that refers explicitly to transgender people. In addition to the lack of first-hand information, available secondary sources and studies often show clear discrimination against transgender people [2]. Laws and policies relating to public services in Country X have not been developed with the needs of transgender people in mind, which has led to many members of the transgender community experiencing considerable difficulties in public spaces, including significant inconvenience and embarrassment when using public bathrooms. Without the support of comprehensive laws and regulations, there will be many obstacles to developing the proposal to build separate bathrooms for the transgender community. Comprehensive laws for the protection of transgender people can better protect the rights of this group and allow them to fight for the legal treatment they deserve through the law. Theoretically, all laws protecting the human rights of citizens of Country X could be applied to the transgender community in Country X. Still, this law is hardly a powerful weapon for transgender people to protect their legal rights. The policy does not specify whether it applies to sexual minorities. The lack of well-developed laws protecting sexual minorities is one of the most troubling aspects of this dilemma that transgender people now face.

In addition, traditional social attitudes are a factor that cannot be ignored. In Country X, for many years, most people supported the gender binary and could not accept the existence of non-binary people. Societal perceptions are ingrained cultural concepts that silently influence all people. Because of this notion, most bathrooms in public places only exist for both genders. People also have trouble accepting non-binary people using the same bathrooms as themselves. The lack of laws and old-fashioned attitudes are critical internal factors that make it challenging to build gender-appropriate bathrooms for the transgender community.

## 3. Jurisprudential Basis for the Construction of Separate Bathrooms for Transgender Persons in Public Places

### 3.1. The Rights of the Citizens of Country X as Provided for in the Law

Why people need separate bathrooms in public places for the transgender community is the focus of this study, which examines the rationale for this event. Let's start our analysis at the level of jurisprudence and look for the basis of legal theory. Because there are currently no laws in Country X explicitly addressing transgender people, this study needed to focus on relevant policies and analyze the legal rights of the transgender community in Country X by examining the legal rights of Country X citizens.

From the laws of Country X, people learn the following: firstly, all citizens of Country X are equal before the law and entitled to equal protection. The details are the prohibition of any discrimination and the guarantee of equal and adequate protection of all persons against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status [4]. Secondly, the exercise of freedoms and rights by citizens of Country X must not be detrimental to the interests of the State, society, and the collective and other citizens' legitimate freedoms and rights [5]. By the nature of the State and the legal system of Country X, Country X places the people at the center of the country's development and insists that everything it does is for the people [6]. Theoretically, the rights of the citizens of Country X would be well protected by law, and no one would be free to undermine the legal rights of the citizens of Country X [7]. Therefore, establishing separate bathrooms for the country's citizens in public places is justified for their convenience, and the jurisprudence of Country X can provide theoretical support for this.

# 4. Reasonableness of Creating Separate Bathrooms for the Transgender Community in Country X

After analyzing the situation, it is clear that it is reasonable to establish separate bathrooms in public places for the citizens of Country X to make their lives more convenient. The law of State X clearly states that a citizen of State X is a person who has the nationality of State X [8]. People can create separate public bathrooms for people of X nationality to make life more convenient.

"Transgender" is a generic term for persons whose gender identity, gender expression, or gender behavior does not correspond to the biological sex assigned at birth [9]. A person who is a transgender person and has the nationality of Country X is. Therefore, the laws of Country X protect a citizen of Country X. This person's legal rights He does not lose his citizenship of Country X because of his status as a transgender person.

Transgender people in Country X face objections to using ordinary bathrooms in public places, which adds to societal discrimination against sexual minorities. This situation has undermined the legal rights of transgender people as citizens of Country X. It is unquestionably actual that they have the right to use bathrooms in public places. By building separate bathrooms for transgender people in public places, people are simultaneously protecting more citizens' legal rights. The use of public bathrooms by transgender people is not only uncomfortable for them but also objectionable to others

who use the bathroom and inconvenient to the daily lives of citizens of X country. Where such a situation exists, establishing separate bathrooms for transgender persons in public places is the most reasonable and practical approach. Installing multi-gender bathrooms has provided more convenience for multi-gender groups, breaking down the constraints imposed by binary gender theory. Diverse bathrooms not only satisfy the needs of the transgender community who do not wish to disclose their gender in public places but also avoid the opposing attitudes of others towards the transgender community's use of male and female bathrooms in public places.

In addition to being analyzed at the level of the legal rights of citizens, the right to equality is also a key element. The Constitution states, "Citizens of Country X are equal before the law." Citizens have the right to equality, which is the right of citizens to enjoy their rights on an equal footing, without distinction of any kind, and to demand equal protection from the State. It is a fundamental right granted to citizens by the Constitution of Country X and is a prerequisite and basis for realizing their other rights [10]. The rights of every citizen of Country X are equal and have nothing to do with that citizen's gender. It is legal and reasonable for people to build men's and women's bathrooms in public places for their own needs. The need for the transgender community to make multi-gender bathrooms in public places also aligns with this legal logic. Multi-gender groups deserve public bathrooms that belong to their gender just as much as binary gender groups.

In Country X, bathrooms in public places are constructed on a gender-specific basis to cater to the needs of people of different genders. The latest legal definition of "gender" issued by the Supreme Court of State X considers gender to include transgender people. In several laws that refer to the prohibition of discrimination based on sex, gender is explicitly stated to have transgender people [2]. Thus indicating that the gender of transgender people is legally recognized in Country X. the law of land X recognizes gender diversity and explicitly guarantees the legal rights of citizens in public places. In conclusion, the creation of separate bathrooms for transgender people in public areas in Country X can be justified by the existing laws of Country X.

### 5. How to Promote Separate Bathrooms in Public Places for Transgender Groups

### 5.1. Institution-Building for the Development of Multi-Gender Bathrooms

Helping the transgender community build separate bathrooms in public places requires legal and theoretical support and a comprehensive construction program to achieve this goal. A targeted legal system and specific implementation measures can only be combined to form a complete program to construct diversified public bathrooms. Since no law or policy explicitly protecting the rights and interests of sexual minorities previously existed in Country X, forming a regulation on protecting the rights and interests of transgender groups was a new and challenging endeavor.

This study argues that it is possible to start with the existing law on protecting citizens' rights and interests in Country X and refine it, changing the object of protection in the law from all citizens of the society to the citizens of Country X with a pluralistic gender. Firstly, the central idea of the law should be that the rights of sexual minorities should be the same as those of other citizens and that theoretical discrimination against non-binary gender groups should be addressed through the law. The next step is to break down the legal rights and interests of sexual minorities in all aspects of their lives. In the course of the development of this law, there is also a need to prepare a law on the fight against gender discrimination, against all forms of discrimination, including discrimination based on sexual orientation, gender identity, gender expression, and other differences, as well as effective monitoring and punishment of discriminatory behavior, to ensure the enjoyment of equal rights by all citizens. These two laws can complement each other and work together to safeguard the legal rights of transgender people in various aspects. The contents of these two laws can provide legal protection

for the construction of diversified public bathrooms and effectively respond to the doubts and objections of society about this incident.

In addition to the law, people also need institutional provisions to help enforce the law. These provisions are mainly applied in public places, where the institutional requirements for the protection of sexual minorities play a crucial role in cases where people's behavior affects the everyday activities of transgender people in public places. Still, these behaviors do not violate the law. In this program to build diversified public bathrooms, the legal system is the most basic, and specific implementation measures are also essential.

### 6. Specific Practices for Building Multi-Gender Bathrooms in Public Places

The specific measures in this program can be divided into three central bodies for implementation: the Government, enterprises, and social organizations. To build multi-gender bathrooms in public places, all community sectors must be involved to make this idea a reality. The Government needs to set up diversified bathrooms in schools, railway stations, bus stations, government buildings, shelters, detention centers, prisons, and other public facilities under the direct responsibility of the State and improve the relevant bathroom measures to set an example for the construction of diversified gender bathrooms. The structure of separate bathrooms for transgender people must not interfere with using the original bathrooms for both genders, which protects the legitimate rights and interests of binary people in public places. Secondly, the Government should actively publicize the law on sexual minorities and the anti-sex discrimination law in society and intensify its efforts to monitor cases of sex discrimination to avoid the occurrence of such incidents. Companies should respond positively to national policies and regulations and actively establish transgender bathrooms in their offices to provide better conditions for transgender employees. It also strengthens gender awareness training for employees to avoid gender discrimination in the workplace.

In addition to the direct construction of separate bathrooms for transgender people in all public places, the conscious acceptance of these types of bathrooms is also an integral part of this construction program. Social organizations may organize various kinds of activities on the theme of protection of sexual minorities or against gender discrimination. Actively promote gender equality so that society can generally accept and endorse gender diversity and no longer object to the activities of transgender people in public places.

While it is essential to build this program, it must not be constructed and implemented to the detriment of other citizens' legitimate rights and interests. The use of pre-existing gender-specific bathrooms should not be compromised by completing separate bathrooms for transgender groups in public spaces. People cannot protect the interests of one group to the detriment of others, and people need to balance the needs of different groups simultaneously.

#### 7. Conclusions

The absence of specific laws and regulations on sexual minorities in Country X has led to opposition to transgender people using public bathrooms and discomfort for transgender people themselves. People need to protect the legitimate rights and interests of transgender people by improving the relevant laws and building diversified bathrooms in public places. The construction of pluralistic public bathrooms is justified under Country X's existing constitutional and human rights protection laws.

This study argues that the conception of and demand for multi-gender bathrooms shows that society is gradually paying attention to the rights and interests of sexual minorities and that the transgender community is awakening to the need to protect their rights.

This study analyses the idea of building multi-gender bathrooms for transgender people in public spaces from multiple perspectives. This paper demonstrates the embodiment of sexual minorities' sense of affirmative action in concrete events in reality, discussing the idea's origins, its rationality, and subsequent practical measures. Firstly, the paper searches for cases of gender discrimination in various countries to show the current situation where the rights of sexual minorities are challenging to be legally guaranteed. Secondly, this study analyses the laws of Country X, argues the legality of building diversified public bathrooms to protect the rights of transgender people from the perspective of protecting the legal rights of citizens, and explains at an academic level why it is necessary to build separate bathrooms for transgender groups to use in public places and provides theoretical support for this. Finally, it discusses what three different levels of subjects can do to help build diverse public bathrooms. A complete program for the construction of diversified public bathrooms has been developed, which provides a reference for the construction of public bathrooms for separate use by transgender people in real life at a later stage.

Due to the current state of society in Country X, which is not very accepting of sexual minorities, most transgender people choose to hide their true gender. For this reason, it was more difficult to interview a transgender person and ask for their thoughts on building diverse public bathrooms. In addition, due to the limitations imposed by technical reasons, it was difficult for this study to issue a questionnaire targeting different genders to ask for their views on the incident.

Because of the lack of real perceptions of people of different genders, this study cannot get close to the real lives of sexual minorities and lacks a certain degree of objectivity. This study concludes that future research on this topic could include more of the honest thoughts of different gender populations, facilitating a better survey of the awareness of the rights and interests of the transgender community.

#### References

- [1] Wikipedia contributors. (2023, August 11). Title IX.In Wikipedia, The Free Encyclopedia. Retrieved 18:26, August 25, 2023, from https://en.wikipedia.org/w/index.php?title=Title\_IX&oldid=1169825349
- [2] Undp and china women's university. (2018, August 5). LEGAL GENDER RECOGNITION IN CHINA: A Legal and Policy Review. United Nations Development Programme. Retrieved from https://www.undp.org/china/publications/legal-gender-recognition-china-legal-and-policy-review
- [3] Srikanth, A. (2021, March 25). Transgender student wins \$300k from school in discrimination case. Retrieved from https://thehill.com/
- [4] Institute of law institute of international law china academy of social sciences (Ed.). (n.d.). Law of the People's Republic of China on the Protection of Human Rights Iolaw.Cssn. Cn. http://iolaw.cssn.cn/flfg\_99/mjjyg/201005/t20100528\_4606563.shtml
- [5] Hou, Q. (Ed.). (2018, March 22). The Constitution of the People's Republic of China. XINHUANET. http://www.xinhuanet.com/politics/2018lh/2018-03/22/c\_1122572202\_4.htm
- [6] Wang, J. (2020, June 10). In-Depth Understanding and Implementation of the Principle of People-Centered. PEOPLE'S DAILY ONLINE. http://en.people.cn/
- [7] Mu, Y. (2021, January 4). Civil Code of the People's Republic of China: "Instruction Manual" for Civil Rights Zhenhai District. https://www.zh.gov.cn/col/col1229034519/index.html
- [8] The state council, & The People's republic of China (Eds.). (2005, June 14). The Constitution of the People's Republic of China. ENGLISH.GOV.CN. https://www.gov.cn/test/2005-06/14/content\_6310\_4.htm
- [9] Sissons, B. (2021, September 24). What Does Transgender Mean? MEDICALNEWSTODAY. https://www.medicalnewstoday.com/articles/what-is-transgender
- [10] Luo, Y. (2018, March 22). Constitution of the People's Republic of China (full text). Yicai. https://www.yicai.com/