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Discrimination and stigma in the Universal Declaration on Bioethics and Human Rights

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Abstract

This article addresses the concepts of non-discrimination and non-stigmatization, discussed in the *Universal Declaration on Bioethics and Human Rights* as imperatives of bioethics, aiming to preserve the identity and integrity of individuals burdened by unequal power relations. The article briefly presents the processes that construct the stigma and roots of prejudice and intolerance, culminating in social discrimination. The article also addresses the State's responsibility in eliminating the causes and consequences of discrimination and stigmatization.

Keywords: Social discrimination. Social stigma. Stereotyping. Bioethics.

Resumo

Discriminação e estigma na Declaração Universal sobre Bioética e Direitos Humanos

Este artigo aborda os conceitos de não discriminação e não estigmatização, tratados na *Declaração Universal sobre Bioética e Direitos Humanos* como imperativos da bioética, visando preservar a identidade e a integridade de indivíduos sobrepujados por relações desiguais de poder. O objetivo do texto é apresentar brevemente os processos pelos quais o estigma se constrói e as raízes do preconceito e da intolerância, que culminam em discriminação social. O artigo ainda aborda a responsabilidade do Estado na eliminação das causas e consequências da discriminação e da estigmatização.

Palavras-chave: Discriminação social. Estigma social. Estereotipagem. Bioética.

Resumen

Discriminación y estigma en la Declaración Universal sobre Bioética y Derechos Humanos

Este artículo aborda los conceptos de no discriminación y no estigmatización, abordados en la *Declaración Universal sobre Bioética y Derechos Humanos* como imperativos de la bioética, con el objetivo de preservar la identidad e integridad de los individuos dominados por relaciones de poder desiguales. El objetivo del texto es presentar brevemente los procesos mediante los cuales se construye el estigma y las raíces del prejuicio y la intolerancia, que culminan en la discriminación social. El artículo también aborda la responsabilidad del Estado en la eliminación de las causas y consecuencias de la discriminación y la estigmatización.

Palabras clave: Discriminación social. Estigma social. Estereotipos. Bioética.

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The principles of the *Universal Declaration on Bioethics and Human Rights* (UDBHR)¹ demonstrate the depth, complementarity, and interdependence character intended by its creators and protagonists. These characteristics culminated in its reception by the vast majority of member States of the United Nations Educational, Science and Culture Organization (UNESCO), with consequent approval in 2005.

The UDBHR serves as a bioethical premise for the conduct of States and citizens. The principles contained therein guide behaviors and attitudes and lead countries to revise internal practices (humanitarian, political, global, etc.) while respecting the historical-cultural context of individuals. The document considers the full dignity of the person, in their original freedom, by multi, inter, and transdisciplinary knowledge and practices, before particular social disputes, while noting obvious social advances and setbacks.

Among the UDBHR principles, article 11 includes non-discrimination and non-stigmatization, which interact with others listed in the same UDBHR¹, such as the dignity of the human person, human rights, and fundamental freedoms.

Non-discrimination and non-stigmatization

According to Article 11 of the UDBHR, *no individual or group should be discriminated against or stigmatized on any grounds, in violation of human dignity, human rights and fundamental freedoms*¹. This article opposes ingrained practices, sources of discrimination, with historical causes and present in contemporaneity, that obscure the identity of individuals and groups and make them unworthy, frowned upon, depriving them of their process of human and social growth.

To better understand the terms that will be discussed below, note that the word “identity” comes from the Latin *idem*, “equality and continuity,” and concerns the quality of what is identical, the state of something that does not change². One’s identity is intimately related to the social processes one experiences, social acceptance or stigmatization and discrimination among them.

The concept of stigma has changed throughout history. In Ancient Greece, stigma was a mark (cut or burn) on the body with a negative meaning for social coexistence. The mark received by the individual identified them as a subject to be avoided, or who wronged society in any way³.

In the Middle Ages, stigmas were signs on the body that represented “divine grace” and manifested themselves in the skin by means of rashes (rose-like marks, for example). These signs showed that the individual had been graced by God; therefore, the stigma was seen as a positive mark.

Nowadays, stigma is something negative that needs to be avoided, and the stigmatized individual is seen as a threat to society. Their identity is deteriorated by an action or social position considered negative, which contributes to the perpetuation of prejudice, intolerance, racism, and discrimination⁴.

Here, we must differentiate prejudice and discrimination. Unlike prejudice (present in the subject’s core and, therefore, of intimate forum), discrimination manifests itself in conduct or acts that imply action or omission that violates rights based on race, gender, age, marital status, physical or mental disability, religious option, etc.⁵. According to Rios⁶, discrimination objectively violates human rights and caring to avoid its automatic and unconscious reproduction and facing its intentional and deliberate purposes is necessary to combat it.

Even when discrimination is involuntary, distinctions, exclusions, restrictions, and unfair preferences emerge, grow, and reproduce, perpetuating discriminatory social structures⁶. In Brazil, a country where stigmas and stereotypes abound, School has long silenced on this theme. Education, however, must exactly deconstruct stigmas and stereotypes created over the centuries, and that contributes, for example, to maintain racism.

One should strive for ways of thinking and relationships based on the ideal of fraternity, even if these are almost impossible in current times. As proposed by Lévinas, quoted by Sebbah⁷, based on the awareness and knowledge about one’s equal, about their history and experiences, one can begin to deconstruct human, historical, and social phenomena that contribute to the maintenance

of racism, intolerance and all forms of prejudice. This search for understanding makes the acceptance and support of the stigmatized subject as a being worthy of respect highly possible.

Principle of non-discrimination

Discrimination symbolically refers to the act of cutting or separating, representing the idea that certain properties and characteristics of some people are reasons for their legitimate interests to be disregarded compared with those of other so-called “normal” people. It originates from the Latin *discriminatio*, meaning “separation” or “distinction.” Discriminating is admitting that people have different rights not simply different characteristics⁸.

According to the *Aurelius Dictionary of the Portuguese Language*, “*discriminar*” (discriminate) means *differentiate, separate, distinguish, establish differences*⁹. A word loaded with way more negative meanings, experiences, and applications than positive ones. Today, however, we already observe the so-called “positive discrimination,” for example in the quotas for admission of Black people and students from public schools in universities, or even in the Maria da Penha Law, which aims to prevent violence against women.

Discrimination refers to the differentiated treatment given to some people or groups due to previously identified characteristics and attributes. Usually negative in nature, discrimination tends to reinforce intolerance and violence. In legal interpretation, to discriminate violates the principle of equality, generating distinction, exclusion, restriction, or preferences motivated by certain convictions or characteristics¹⁰.

In his work *Masculine domination*, Pierre Bourdieu¹¹ discusses the masculine domination over the feminine, revealed by the symbolic violence unconsciously shared between dominating and dominated. According to the author, *the effect of symbolic domination (...) is exerted not in the pure logic of knowing consciousnesses but through the schemes of perception, appreciation and action that are constitutive of habitus and which (...) set up a cognitive relationship that is profoundly obscure to itself*¹².

In opposition to the historical principle of equality propounded by Aristotle (4th century B.C.)

and in line with national and international legal instruments, social discrimination occurs when an individual or group receives different and unequal treatment compared with others living in the same society. Note that the same legal scope that is bound to frame the discriminated person (although Brazil possesses specific legislation addressing the issue) also encompasses all those contemplated under the protective mantle of the State for their “good” natural or favored condition. Objectively, as disputes involving victims of prejudices, stereotypes, stigmas, and discrimination show, the subject’s identity is tarnished daily.

The 1988 Constitution¹³ advocates that the Brazilian State in all its segments should strongly combat and repudiate discrimination. The Magna Carta states that one of the fundamental objectives of the Federative Republic of Brazil is to promote the good of all, without prejudice and discrimination. To do so, the Constitution, via its entrenched clauses, obstructs any stimulus to differences that generate discrimination, prohibiting, for example, admission criteria due to gender, age, color, marital status, and physical or mental disability.

The conditions for discriminatory practices that victimize subjects and groups emerge in social life due to society’s structure¹⁰. Since prejudice is morally condemned and discrimination is punishable by law, its manifestations are increasingly subtle and disguised, which hinders gathering evidence with legal validity. The many forms of discrimination end up thus normalized and sometimes assert themselves as rules – such as, for example, the requirement of “good looks” to enter the world of work¹⁴.

Eliminating all forms of discrimination is fundamental to any society and government. From the perspective of policies and actions, Brazil, like other countries, has groups opposed to the establishment of reparations for social exclusion based on race or skin color, inasmuch as the most complete form of social discrimination today would be poverty.

Discrimination is the externalization of stigma, therefore unacceptable, and every person has the right to be protected from it. Fighting stigmatization and discrimination is, thus, everyone’s duty. As for UDBHR, its target audience comprises States (via their governments and managers), professionals (especially in healthcare), members of organizations, the press,

families and individuals, since everyone who is in a position to help reduce the stigmatization and discrimination of other more vulnerable people is certainly an aggregating factor for beneficial policies in this field.

Note that the prefix of negation “non” – denoting denial, disapproval, or disagreement –, used here with the terms “discrimination” and “stigmatization,” is nothing more than the imperative not to enable discriminatory and stigmatizing practices. In bioethics, the principles of non-discrimination, non-stigmatization, and others brought by the UDBHR, are perfectly intertwined in their semantic relations. These involve unique cultural particular experiences, with complex interpretations and solutions, drawing attention to the need for bioethics to address persistent ethical conflicts that afflict most of the world population¹⁵.

Principle of non-stigmatization

Historically, stigma is associated with a brand applied to enslaved individuals and criminals using red-hot iron. In general terms, stigma designates a wound mark or scar, a persistent and characteristic sign of an illness or a shameful sign that tarnishes the individual's reputation in their social environment.

In 1963, Canadian sociologist Erving Goffman⁴ published the book *Stigma*, where he defines stigma as a mark or sign that distances people and devalues the individual before society. Nowadays, the term “stigma” represents something evil, something to be avoided, a threat to society, that is, an identity spoiled by a social action¹⁴.

Stigma, as a social process, is nothing more than a negative or derogatory attribute that turns the subject into a different being, diminishing them and bringing disadvantages in daily life, including in access to health care. This is the case, for example, of individuals with degenerative, mental, and rare diseases. Stigma causes damage to the extent that it prevents the creation and guarantee of dignified and civic public policies that humanize and embrace bearers of such diseases and other ills, visible or not.

In the social environment, stigma is the mixture of prejudiced perceptions with negative social expectations. A strong example is the stigmatization of Brazilian women in Portugal,

who report suffering prejudice and harassment for how they speak Portuguese, interpreted by the Portuguese as an attribute of sexual availability, sweet and sensual, as a remnant of a patriarchal and colonial regard¹⁶.

Another example is the social and cultural practices of stigmatized youth from Brazilian favelas. Hegemonic groups, which impose aesthetic and cultural standards perceived and accepted as normal, view such practices with prejudice and discrimination, thus negatively re-signifying young favela residents, not only in terms of disadvantages, but also in feelings of non-acceptance and low self-esteem.

According to Goffman⁴, the incorporated stigma shows itself in the self-image of the “discredited” and leads to a process of self-stigmatization that assimilates and normalizes behaviors from a given hegemonic group, with references specific to society, race, origin, etc.

For Howard Becker¹⁷, stigma is a negative attribute deeply associated to each individual's social relationships. That which stigmatizes the individual tends thus to confirm the normality of another individual. Being stigmatized means that one has a characteristic that differs from the normality of other individuals.

From this perspective of difference, Goffman⁴ points to the existence of three major stigmatized groups: 1) individuals with physical disabilities; 2) individuals with character considered abnormal (the range here is very broad, including not only people with mental illnesses, but criminals, prostitutes, homosexuals, etc.); and 3) individuals belonging to so-called “tribal groups,” linked to certain races, ethnicities, or religions.

For Goffman⁴, the attribute of the individual that becomes evident in social relationships is what makes up their identity. The difference between an individual's actual social identity (the one they actually present) and their virtual identity (the one society expects them to present) lies in the fact that the latter results in a derogatory attribute – the stigma –, an element that ultimately dehumanizes the individual, precisely because it differentiates them from the rest of society. The construction of hegemonic group's intentions implies the design of virtual meanings of action, which can be carried out according to their level of

social influence, generating devastating effects on people and society.

The stigmatized person's condition in society is determined by the perception of their distinctive characteristics. When these are evident, the individual is in the condition of discredited, that is, the more evident the characteristic that distinguishes or stigmatizes them is, the more discredited they will be by society. In trying to reduce the perception of these distinctive characteristics, the stigmatized can use cover-up strategies that increasingly isolate them from social life.

The relationship of the stigmatized individual with an non-stigmatized one will always be tense and uncomfortable for both parties, bringing up discussions about forms of socialization. Social relations are determinant for shaping deviant behavior, which refers to the breaking of a generally accepted rule within stigmatized groups, since the person who has a particular stigma tends to have similar experiences to other people with the same stigma. This modify the understanding about oneself, steering a group of individuals in the same direction.

Hence why Goffman⁴ highlights the relationship between stigma and deviation. Stigmatized groups have similar socialization or learning processes, as well as a similar conception about individuals themselves. Thus, people stigmatized by a collective denial of social order will be labeled as deviant groups and framed as "delinquents," "criminals," "prostitutes," "homosexuals," "alcoholics," "junkies," "beggars," etc.

Becker¹⁷ understands "deviation" as behavior that diverges from the norms accepted by a given social group. When a person transgresses these norms, they automatically become an outsider. Deviation, therefore, refers, above all, to the consequences of this act for the alleged transgressor and not simply to the quality of the act committed. Deviation reflects thus the interaction between those who commit an act and the reaction of others.

Society constructs stigma from power relations. Hegemonic groups that hold power establish which categories, identities, and practices are legitimate and accepted by society, and which should be avoided and stigmatized. Stigmatization, therefore,

denies the other's identity and their right to be and to exist within their historical and cultural perspectives, freely expressing who they are. Garrafa and Godoi reinforce the power and strength of stigma in the social context: *Stigma belittles the individual, making them less than others, undermining their human dignity and decreasing their chances in life*¹⁸.

Currently, under a promising perspective, we can work with the topic of "positive stigmatization," which brings a more humanized regard to individuals, by some state initiatives such as actions to combat bullying in schools, changes in legislation that made naming disabled people as people with special needs possible and recognizing the civilian capacity of people with Down syndrome and deaf-mutes.

State responsibility in eliminating stigmatization and discrimination

Although the need to reject stigmatization and discrimination is evident, we observe a lack of information systems to educate professionals and the general public on how to combat the causes that generate social stigma. Stigma results from normal cognitive processes of threat and risk assessment that organize social knowledge and behaviors. Specific actions should target these, sometimes devastating, processes to reduce them.

Stigmatization can lead to negative attitudes: prejudices, false beliefs, and stereotypes. These attitudes often cause irreparable damage, affecting the self-esteem of the stigmatized person, who, hostage to discriminatory actions, begins to uphold imposed standards of normality.

The consequences of stigmatization and discrimination also extend to the stigmatized individual's family and caregivers, whether at home, at work, in medical research, in the community, or in the provision of services such as health care, safety, education, justice, etc. This ends up influencing the quality of care made available and effectively received by the stigmatized individual.

Several negative attitudes towards victims of stigmatization become discriminatory as they are materialized as inappropriate and pejorative dialogues, violence, abuse, mistreatment, avoidance and social exclusion, non-recognition

of the person's experiences, poor quality of life, insufficiency or no legal protection, and negligence on the part of governments and public managers.

The fight against stigmatization requires a thorough and strategic approach, especially with regard to pedagogical measures that transform social beliefs and attitudes. As for discrimination, legislative and judicial actions are required.

As guardian of people's rights, the State must promote specific policies and laws that protect against stigmatization and discrimination. Some measures that can be taken are: allocating resources for information and education campaigns; planning and implementing services to help stigmatized and discriminated people; promoting scientific research focusing on individuals and groups targeted by stigmas, prejudices, and discrimination; promoting labor policies that identify and reduce stigmatizing and discriminatory actions; assisting individuals, patients, families, and professionals in dealing with stigmatizing and discriminating situations on a daily basis; and planning the services made available as to avoid stigmatizing and discriminatory professional practices by exerting positive influence on political and institutional authorities.

Final considerations

Based on Article 11 of the UDBHR, this study presented the concepts of stigmatization and discrimination, considering its relationship with other principles contained in the document, such as human dignity, human rights, benefit and damage, respect for human vulnerability, and individual

integrity. We also addressed the interrelationship and complementarity of the principles in line with the Brazilian Magna Carta.

UDBHR rejects stigmatization and discrimination by condemning ingrained practices with negative consequences for certain people in the social environment. For bioethics, identifying and rejecting any form of stigmatization and discrimination is essential. To this end, this field of knowledge proposes theoretical and practical approaches that respect subjects discriminated and stigmatized by hegemonic power, which renders these subjects and their legitimate cultural and historical practices invisible.

As guardian of people's rights, the State must promote specific policies and laws for an effective and accessible protection against stigmatization and discrimination. This concern must encompass all areas of government, since passivity in the field of affirmative policies is unacceptable today. We must, therefore, guarantee equal opportunities in an uninterrupted process of inclusion, accessibility, and respect for human dignity, facing the difference between people as a factor of social inclusion, in a healthy pluralism for the development of society.

Reflecting on this topic from Article 11 of the UDBHR brings the opportunity to review humanitarian and political practices with due respect to the historical context that identifies and considers the individual in their dignity and freedom, from a multi-, inter-, and transdisciplinary perspective. Our goal is to seek solutions to social disputes and to build a society free of prejudices, receptive to differences, and, therefore, sympathetic to individuals subjected to stigmatization and discrimination.

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