

SEXUAL RIGHTS MOVING BEYOND IDENTITY POLITICS

Curriculum for workshop presented by the

INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION



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QUESTIONS FOR GROUP DISCUSSION

Full group brainstorm or small group brainstorms with report-backs. Write and post answers for viewing during workshop. Then present and discuss the statements of sexual rights listed below.

- What comes to mind when you think about sexual rights?
- Develop your own platform for sexual rights. What do you want? What are the desired outcomes?
- Who or what communities benefit(s) from this vision?
- What limits, if any, to sexual freedom are necessary or desirable in your vision?

VISIONS OF SEXUAL RIGHTS

HEALTH, EMPOWERMENT, RIGHTS AND ACCOUNTABILITY (HERA) NETWORK

- Right to happiness, dreams, and fantasies.
- Right to explore one's sexuality free from fear, shame, guilt, false beliefs and other impediments to the free expression of one's desires.
- Right to live one's sexuality free from violence, discrimination, and coercion, within a framework of relationships based on equality, respect, and justice.
- Respect for the physical integrity of the human body
- Right to choose one's sexual partners without discrimination.
- Right to full respect for the integrity of the body.
- Right to choose to be sexually active or not, including the right to have sex that is consensual and to enter into marriage with the full and free consent of both people.
- Right to be free and autonomous in expressing one's sexual orientation.
- Right to express sexuality independent of reproduction.
- Right to sexual health, which requires access to the full range of sexuality and sexual health information, education, and confidential services of the highest possible quality.
- Right to insist on and practice safe sex for the prevention of unwanted pregnancy and sexually transmitted diseases, including HIV/AIDS.



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'A DECLARATION OF SEXUAL RIGHTS' NATIONAL SEXPANIC SUMMIT 1997

We affirm the following principles implied in the right to be sexual:

- the right to sexual and reproductive self-determination;
- the right to a publicly accessible sexual culture;
- the right to a sexual life free from shame and stigma; and
- freedom from government intervention.

'WHAT ARE SEXUAL RIGHTS' INTERNATIONAL WOMEN'S HEALTH COALITION

Sexual rights embrace basic human rights and include:

- Full respect for the physical integrity of the human body.
- The right to the highest standard of sexual and reproductive health.
- The right to necessary information and services, with full respect for confidentiality.
- The right to make decisions concerning sexuality and reproduction free from discrimination, coercion, and violence.

Recognizing sexual rights will help ensure that women and girls are not subject to:

- Unwanted sexual relations, including unwanted pregnancy and child-bearing;
- Physical, sexual and psychological violence in the community or work place, including sexual abuse, sexual harassment and intimidation, and rape;
- Coercive or unsafe contraceptive services and coercive or unsafe abortion.
- Physical, sexual and psychological violence in the home, including marital rape, battering, imprisonment, and incest;
- Unwanted medical interventions or bodily mutilations, including female genital mutilation;
- Discrimination and violence on the basis of sexual orientation;
- Transmission of sexually transmitted diseases and HIV/AIDS;
- Systematic rape as a weapon of war.



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WORLD ASSOCIATION OF SEXOLOGY DECLARATION OF SEXUAL RIGHTS

1. The right to sexual freedom. Sexual freedom encompasses the possibility for individuals to express their full sexual potential. However, this excludes all forms of sexual coercion, exploitation and abuse at any time and situations in life.
2. The right to sexual autonomy, sexual integrity, and safety of the sexual body. This right involves the ability to make autonomous decisions about one's sexual life within a context of one's own personal and social ethics. It also encompasses control and enjoyment of our own bodies free from torture, mutilation and violence of any sort.
3. The right to sexual privacy. This involves the right for individual decisions and behaviors about intimacy as long as they do not intrude on the sexual rights of others.
4. The right to sexual equity. This refers to freedom from all forms of discrimination regardless of sex, gender, sexual orientation, age, race, social class, religion, or physical and emotional disability.
5. The right to sexual pleasure. Sexual pleasure, including autoeroticism, is a source of physical, psychological, intellectual and spiritual well being.
6. The right to emotional sexual expression. Sexual expression is more than erotic pleasure or sexual acts. Individuals have a right to express their sexuality through communication, touch, emotional expression and love.
7. The right to sexually associate freely. This means the possibility to marry or not, to divorce, and to establish other types of responsible sexual associations.
8. The right to make free and responsible reproductive choices. This encompasses the right to decide whether or not to have children, the number and spacing of children, and the right to full access to the means of fertility regulation.
9. The right to sexual information based upon scientific inquiry. This right implies that sexual information should be generated through the process of unencumbered and yet scientifically ethical inquiry, and disseminated in appropriate ways at all societal levels.
10. The right to comprehensive sexuality education. This is a lifelong process from birth throughout the life cycle and should involve all social institutions.
11. The right to sexual health care. Sexual health care should be available for prevention and treatment of all sexual concerns, problems and disorders.

DISCUSSION QUESTIONS:

- How are each of these statements different or similar to the vision you articulated?
- What are the differences between these statements? What are the different purposes of each?
- Which statements or phrases appeal to you the most? The least?



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SEXUAL RIGHTS ARE HUMAN RIGHTS: FOUNDATIONS OF SEXUAL RIGHTS

The rights to sexual autonomy and bodily integrity have growing foundations in international human rights communities:

In human rights treaties:

- Everyone has the right to liberty and security of person (International Covenant on Civil and Political Rights, Article 20).
- All persons are equal before the law and are entitled without any discrimination to the equal protection of the law (ICCPR, Article 26)
- No one shall be subject to torture, or to cruel, inhuman or degrading treatment or punishment (ICCPR, Article 7).

In key conference declarations:

- "Countries should act to empower women and should take steps to eliminate inequalities between men and women as soon as possible by...eliminating all practices the discriminate against women; assisting women to establish and realize their rights, including those that relate to reproductive and sexual health" (International Conference on Population and Development, Cairo, 1994, para. 4.40).
- "The human rights of women include their right to control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behavior and its consequences" (Fourth World Conference on Women, Beijing, 1995, para. 97).
- "The ability of women to control their own fertility forms an important basis for the enjoyment of other rights" (Nairobi Forward-Looking Strategies, 1985, para 156).
- "The human body, whether that of woman or man, is inviolable and respect for it is a fundamental element of human dignity and freedom" (World Conference of the International Women's Year, Mexico City, 1975, article 11).

STATE REGULATION OF SEXUALITIES: LAWS, POLICIES, AND PRACTICES USED BY STATES TO REGULATE SEXUAL BEHAVIOR

EXERCISE

GROUP DISCUSSION:

THINKING ABOUT
'SEXUALITY AND THE STATE'

What are the kinds of laws and policies as well as practices used by governments to control or regulate sexuality? Think of those that affect your communities (gay, lesbian, transgender, sexual minority, etc.) as well as those that affect other groups.



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Compare the group's answers with the list below, presented on a flip chart.

- Sodomy laws
- Age of consent laws
- Laws against vagrancy/loitering
- Laws on prostitution (a range of forms: criminalizing the act itself, criminalizing keeping of brothels or quarters for "immoral purposes," criminalizing solicitation, criminalizing pimping, criminalizing Johns)
- Laws prohibiting acts which "offend public morals" or "cause public scandal"
- Laws penalizing those wearing clothing of opposite sex
- Laws criminalizing STD/HIV transmission
- Dress codes (particularly for women)
- Restrictive laws on registration of NGOs
- Restrictive laws on freedoms of association or assembly
- Obscenity/pornography laws, other laws restricting freedom of expression
- Internet regulation codes
- Badly written rape/sexual violence laws (failing to penalize marital rape, defining rape in strictly heterosexual terms)
- Badly written laws on domestic violence
- Marriage laws (denial of marriage to same-sex partners, denial of marriage to trans people, divorce laws, laws on PLMHA marriage)
- Criminalization of adultery/fornication
- Laws on paternity/adoption

DISCUSSION QUESTIONS:

Among the laws, policies, and practices listed here, which, in particular, have an impact on, or are used against, people within your communities (define these)?

What other groups or communities are affected by these laws, policies, and practices affect people and groups?

Think about other discriminatory policies and practices by "non-State actors", including family institutions, religion, cultural institutions, that lead to discrimination and abuse on the basis of sexual orientation/expression or gender identity/expression. In what ways can your government be held accountable? What other strategies should be used to address these forms of discrimination and abuse?

Discuss strategies for building coalitions with other groups affected by discriminatory or abusive laws, policies, and practices by the State. How would you present the sexual rights framework to them? What challenges would you face?

What are the advantages and disadvantages of using a sexual rights framework based on sexual autonomy and bodily integrity, as opposed to identity-based frameworks?



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INTEGRATION EXERCISE

Divide the audience into two groups. Do not tell one group what the other is assigned. Allow 20-40 minutes for group exercise.

You may wish to present each group with the same or different case studies relevant to that country or region about a violation or pattern of violations related to sexual orientation/expression and/or gender identity/expression. IGLHRC action alerts can be useful here.

Group A: You have built a common understanding of your shared identity: sexual minority (or LGBT, etc.). First, briefly define this identity. Second, now that you have this identity, what do you want to do with it? What is your short-term and long term agenda for social change to end discrimination and abuse on the basis of sexual orientation/expression or gender identity/expression (either related to this case study, or in general). What strategies will you use? What rights will you define and/or use? What allies will you turn to for support, and how will you seek this?

Group B: You want to put an end to discrimination and abuse on the basis of sexual orientation/expression or gender identity/expression (either in general, or in relation to the case study). However, you don't have an identity: you cannot use the words "I" or "we". What is your long-term agenda for social change to end these forms of discrimination and abuse? What strategies will you use? What rights will you define and/or use? What allies can you turn to for support, and how will you seek this?

Regroup for report-backs, and introduce each exercise to the entire group. After hearing group responses, discuss the relative benefits and challenges of using identity-based frameworks and non-identity-based frameworks. In what ways is identity avoidable or non-avoidable? What are the limits of each perspective? Are these either/or choices?

International Gay and Lesbian Human Rights Commission
1375 Sutter Street Suite 222 San Francisco CA 94109 USA
T: 1.415.561.0633 F: 1.415.561.0619
www.iglhrc.org
iglhrc@iglhrc.org

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