

Sex, Sexuality, and Human Rights: Learnings and Recommendations from the Sexuality, Gender and Rights Institute

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Sexuality, Gender and Rights Institute

- Annual week long residential program which delves deeply into the interface of sexuality, gender, and rights through academic theory and examples of practice
- Sophie, Lejla and I were very fortunate to go this year and found the experience to be extremely inspiring and educational
- A few key take aways from the institute as it may be applicable to our understanding here at CARE:
 - Sex is complicated, constructed, and contextual
 - Different from Gender
 - How to view sexuality in a human rights framework

What word comes to
your mind when you
hear the word sexuality?

Intimacy	Complicated	Health	Asexual
HIV	Human rights	Transsexual	Important
Reproduction	Fixed	Transgender	Trivial
Rights	Fluid	Love	Invisible
Natural	Repression	Expression	
Biological	Homonormative	Work	
Constructed	Consent	Promiscuous	
Heteronormative	Gender	Sex	

Sexuality is complicated

However, it is often naturalized and reduced to biological terms

It is multi-faceted, has multiple and complex interpretations, and connected to all sorts of systems and associations

Sexuality is contextualized – there is no culture from which sexuality is missing, but it is NOT the same everywhere

It is in fact socially constructed

Sex hierarchy

A system of power and sexual value which distinguishes “good sex” from “bad sex” – Gayle Rubin

It is variable from context to context and can change over time.

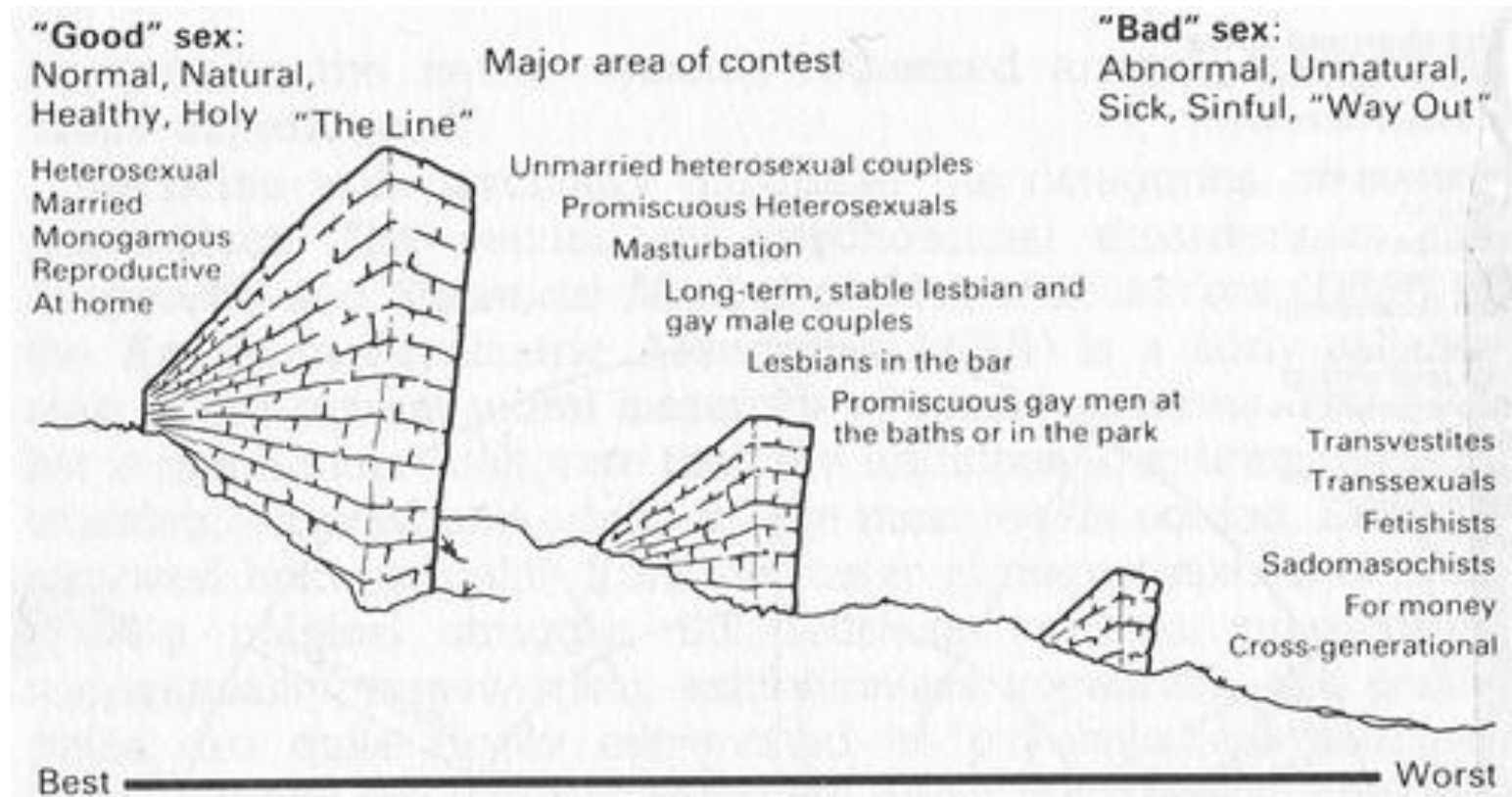


Figure 2 The sex hierarchy: the struggle over where to draw the line

Universal Declaration of Human Rights

Tool to include others:

Article 3. Everyone has the right to life, liberty and security of person.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Gender and Gender Identity

- Gender is the social construction about different perceptions, roles, responsibilities for men/women based on their sex. It could mean that your sex determines your gender identity
- In most societies, the gender identity is binary: Man/Woman.
- Now the discussions lead to other categories as genderless, third gender etc

Highlights

- Gender rules and norms are always defined in a given society and context and change over time.
- Gender norms often refer to masculinity and femininity
- But..there is no one masculinity or femininity, there is a range of “masculinities” and “femininities”

Gender and gender Identity

- But..... many times, there is no connection between the sex of someone and their “given” gender identity
- This fact lead to understand that gender identity is a personal experience - a private sense of being and expression of yourself in a gender category.
- Here is where we need to think about gender and sexuality

Sexuality

Sexuality is a central aspect of being human throughout life and encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction. Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviors, practices, roles and relationships. While sexuality can include all of these dimensions, not all of them are always experienced or expressed. Sexuality is influenced by the interaction of biological, psychological, social, economic, political, cultural, ethical, legal, historical and religious and spiritual factors.

World Health Organization Working Definition, 2006

The sexuality matrix



Sexuality..

- Sexual desire or attraction
 - To whom (or in some cases what) someone is attracted (physically and emotionally)
- Sexual activity or behaviour
 - What a person does or likes to do sexually (intercourse, masturbation, oral sex, sexual fetishes)
- Sexual identity
 - How someone describes their sense of self as a sexual being (e.g. heterosexual, bisexual, lesbian, gay, homosexual)
- Sexual experience
 - Observations of others' sexualities; education or training related to sexuality; experiences that may not have been consensual

Sexuality

Like gender, sexuality is social constructed. It is organised into systems of power, which reward and encourage some individuals and activities, while punishing and suppressing others.

Gender and Sexuality

- So many times we consider that sexuality is shaped by gender norms
- But Having the gender identity “Men” doesn’t mean what kind of desire I have, with who I feel good, how I express my feelings.
- Gender contributes/influences sexuality but doesn’t determine it!!!!

Program/project

- Consider that gender and sexuality are both important aspects for the identity
- Never assume in our actions gender norms shape sexuality with our beneficiaries and better consider diversity (disability, gender and sexuality)
- Be aware of what we are assuming and why

Rights-Based Advocacy:
Whose rights are we
talking about?

Singling out sexual rights or summing it up under reproductive rights?

- Sexual rights emerged from reproductive health and right work
- Linking sexual and reproductive rights can at the same time contribute to and paradoxically hinder global work to develop a theory and practice for sexual rights as a human right.

A brief genealogy of the link between Sexuality and Rights

- HR was a protectionist instrument for women's chastity (ban on women trafficking)
- CEDAW evolved in a sense that it uses language of empowerment "women should have ability to control their role in reproduction" and the "means to do so"
- International Conference on Population and Development (1994) and Beijing Conference (1995)
- Yogyakarta principles clearly stated protection and promotion of non-heterosexual and non-procreative sexual behaviors

Prerequisite for Sexual Rights

For full exercise of SR as human right it requires power and resources:

- power to make an informed choice about one's own sexual activity
- resources to carry out such decision safely

State Accountability

Rights approach has to include enabling conditions for sexual rights enjoyment, which involves determining state accountability

Even if there is legal equality, privacy rights, or freedom of information, it will not suffice in the absence of the economic capacity to live independently of restrictive family setting or of social pressure.

Danger of merging Sexual Rights into Reproductive Rights

- Calling it only reproductive and removing non-heterosexual, non-procreative sexual activities from the protection means conforming moral rules or criminal legislation.
- In practice it means leaving behind a number of social groups, people of different sexual orientations (LGBTQI communities), **but also** of different marital status, different age and different physical ability, as well as hetero-sexual men and boys

Backlash of promoting Sexuality as a Right

- Under situation of social stress, HRs approach to sexuality can be double edged.
- Sexual Rights claims have already served as a lightening rod for attacks on the rights concept as an individualized western imposition (e.g. this was exploited in the context of HIV AIDS).

Some gains from the link between RRs and SRs

- It can help overcome resistance to addressing sexuality and diverse sexual identities within conservation international standard setting
- Reproductive rights has already invoked the interrelation between protection and state accountability for creating the conditions under which reproductive and thus sexual behaviors can be controlled by individual and couples.

Link Between SR and Health

- Sexual rights in the context of rights health to mitigate resistance while promoting communication, personality and love.
- Flipside: it can lead to promotion of healthy and unhealthy sexuality and exclude non-normative practices

Final thoughts: Protection Approach to Sexuality

- So far the most prevalent approach has been focused on the protection from violence and exploitation, in case of both violence of women or violence towards people of non-conforming gender identities and non hetero-normative people.
- HR approach to sexuality should not focus only on protection from violence and abuse, but involve dimension of pleasure and “positive sexuality”

Final Thoughts: Neglect of Men as Rights Holders

- Most of the literature on application of HR to reproductive rights and sexuality focuses on the lives of women and girls; very few policies and programing are focused on the reproductive lives on boys and men
- Neither homosexual nor heterosexual men are target of major HR policies in sexual and reproductive rights.

Ways Forward

- Cross-cultural and cross-sectoral coalition
- Bridge between non-hetero and heterosexual rights
- Joint advocacy around gay rights, anti-sexual violence rights and sexual and reproductive rights in order to build a sexual right framework that will benefit all, liberate all and protect all (Alice Miller)

What would be the ways forward for CARE?

What change is needed at the programmatic level to be more inclusive of SRHR programming?

BUT ALSO

at internal advocacy level so the staff can carry out that change programmatically but also embody the value of inclusivity amongst our peers?