

# ANNOTATED BIBLIOGRAPHY: SEXUALITY AND HUMAN RIGHTS

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The following bibliography is intended to provide an introduction to the issue of sexual rights/sexuality and human rights.<sup>1</sup> It is not an exhaustive compilation, but rather a selection of diverse essays related to the topic. Some entries present a conceptual overview, while others deal in greater depth with specific aspects of sexuality and human rights. We selected essays using the following criteria: 1) It contains a substantive focus both on sexuality and human rights, or a direct reference to both; 2) It enhances understanding of the issue; 3) It offers thematic coverage; and 4) It contributes to geographic coverage. While all views and perspectives are not equally represented, we sought to provide as broad a spectrum as possible, particularly in terms of thematic perspectives. We acknowledge that the sources from North America are over-represented, and would be pleased to consider including other material that the reader brings to our attention. In addition, we regret that, due to various constraints, all the reference articles are in English. Finally, please note that the International Women's Health Coalition does not necessarily endorse all the views expressed in the essays included in this bibliography.

The bibliography is divided into two sections. The first section presents annotated entries, in which brief summaries are provided. The essays in this section provide an overview of the key issues in current work on sexual rights/sexuality and human rights. These entries are organized into two categories: those that offer general reflections on sexuality and human rights concepts and practices; and those that focus on specific aspects of sexuality and human rights. The second section, which is organized thematically, provides citations of additional selected articles, essays, and books that are useful for those who want to look in greater detail at particular areas of work.

## GENERAL REFLECTIONS ON SEXUAL RIGHTS

Rebecca J. Cook, 1995. "Human Rights and Reproductive Self-Determination." *The American University Law Review*, v. 44, no. 4: 975-1016.

This article offers an overview of how to apply human rights norms and standards to reproductive and sexual health and sexuality. Arguing that the linkages between reproductive health and human rights are varied and complex, Cook offers a broad framework for advancing human rights protections for reproductive self-determination. Beginning with a brief overview of feminist methodologies, she examines how legal strategies and population policies have tended to ignore women's own perceptions of their needs. She then provides a detailed analysis of the application of human rights to reproductive self-determination, including rights relating to sexuality. She presents four categories of rights: rights relating to reproductive security and sexuality; rights relating to reproductive health; rights relating to reproductive equality; and rights relating to reproductive decision-making. In enumerating these rights, she also discusses how these rights are routinely violated. Finally, Cook also supplies an analysis of state accountability, noting how governments can be encouraged to fulfill their obligations to make reproductive self-determination a reality.

Sônia Correa and Rosalind P. Petchesky, 1994. "Reproductive and Sexual Rights: A Feminist Perspective." pp. 107-123 in Gita Sen, Adrienne Germain, and Lincoln C. Chen, eds., *Population Policies Reconsidered: Health, Empowerment, and Rights*. Boston: Harvard Center for Population and Development Studies; and New York: International Women's Health Coalition.

Correa and Petchesky define the terrain of reproductive and sexual rights in terms of power and resources, involving a core notion of "bodily integrity" or "control over one's body." In doing so, this essay has had significant influence on developing concepts of "sexual rights," particularly in the context of global women's health and rights advocacy. Taking a critical view of "human rights," the authors propose a reconstruction of the rights discourse that specifies gender, class, cultural and other differences, while recognizing social needs or enabling conditions. While they purposefully explore the theoretical and historical foundations of "reproductive" and "sexual" rights, their emphasis is on policy implications of reproductive and sexual rights concepts and advocacy. They are especially concerned with how to bridge the "individual-social" divide. In order to address this, they offer a set of ethical principles for reproductive and sexual rights: bodily integrity, personhood, equality, and diversity. This leads them to propose that governments and population agencies must do more than avoid abuses. Rather, what is required is a reordering of priorities, including affirmative programs to advance gender equality, promote women's empowerment, and redistribute resources in a fashion that promotes liberty and social justice.

Ana Maria Costa, 2000. "On Women's Right to Experience their Sexuality Free from Illness." *Women's Health Collection/5: Women, Sexualities, Rights*. Santiago, Chile: Latin American and Caribbean Women's Health Network.

This essay links feminist studies of bioethics to issues of women's sexuality. Costa notes that acknowledging differences between and among women and men is critical to understanding and responding to women's health needs, particularly in terms of sexual health. All too often, health interventions result in the medicalization of women's bodies, and a dismissal of the impact of a range of differences (race, class, ethnicity) on women's health and sexuality. In contrast, Costa proposes that a clearer understanding of different approaches can result in the practice of medicine as an instrument allied with women's empowerment and the realization of women's sexual rights.

Ruth Dixon-Mueller, 1993. "The Sexuality Connection in Reproductive Health." *Studies in Family Planning*, v. 24: 269-282.

This article provides an important introduction to the study of sexuality and health from a gender-sensitive perspective. Dixon-Mueller emphasizes the interconnectedness of a comprehensive understanding of "the relationships between sexuality, gender-based power, and reproductive health" (p. 279). She critiques the methods of research and medical intervention as they are typically carried out around the world. She argues that, because "gender power relations" (p. 271) are only infrequently taken into account when trying to understand human sexuality, service providers are not able to effectively help girls and women, and vulnerable boys and men avoid violence, disease, and/or pregnancy. The ignorance of researchers and health care providers means that certain relevant questions do not get asked. According to Dixon-Mueller, this means that certain behaviors will not be mentioned, as most people in the world are unlikely to discuss behaviors that could potentially be seen as deviant or immoral. She argues that sexuality "need[s] to be explored within a gender (and generational) framework by taking into account the ways in which structures and ideologies of gender organize experiences differently for adolescents and adult women and men" (p. 279). Only then will limitations in sexual health care be understood and rectified.

Feministas por la Autonomía, Ecuador, 2000. "Women's Tribunal for Sexual Rights: Without Our Bodies, There is No Citizenship." *Women's Health Collection/5: Women, Sexualities, Rights*. Santiago, Chile: Latin American and Caribbean Women's Health Network.

The Women's Tribunal for Sexual Rights, held in Ecuador, focused on violations of women's sexual rights. These violations included sexual harassment, sexual exploitation of girls, discrimination against

lesbians, rape, torture, and murder. Each presentation at the tribunal was followed by an analysis prepared by women's human rights advocates. This essay explores the intent and purpose of the tribunal and assesses its impact on women's sexual rights in Ecuador. In addition, the authors reflect more broadly on the promises and challenges of sexual rights advocacy beyond the event itself.

Lynn Freedman, 1994. "Reflections on Emerging Frameworks of Health and Human Rights." *Health and Human Rights*, v. 1, no. 4: 313-346.

Freedman sets out to expose some of the assumptions about human well-being that underlie traditional views of public health and human rights, while exploring the connections between them. In doing so, she seeks to offer some alternative directions for discussion, elaboration, and action. She takes the perspective that both public health and human rights discourses offer as yet unrealized transformational social justice potential. In particular, Freedman challenges the tendency to over-generalize in favor of approaches that empower individuals to make choices about their lives that can protect their health. For example, she reflects on the failure of HIV/AIDS prevention policies that primarily rely on individual behavior change, exhorting people to "just say no" or to engage only in safer sex practices. She notes that women who are powerless and vulnerable may have little control over their sexual partners or their sexual lives more generally. In calling for approaches that empower women to exercise their sexual and reproductive rights, Freedman locates herself within the reproductive health and reproductive rights movements. Contesting dualisms such as "negative" and "positive" rights, or "individual" and "community," Freedman sets out a perspective that emphasizes interconnections. She proposes that public health and human rights both offer useful and strategic tools for advancing the well-being of all people, centering on the ability of women to set the course of their own lives.

Susana T. Fried and Ilana Landsberg-Lewis, 2000. "Sexual Rights: From Concept to Strategy." pp. 91-122 in K. Askin and D. Koenig, eds, *Women's Human Rights Reference Guide*. New York: Transnational Press.

Fried and Landsberg-Lewis locate the discourse of sexual rights within three overlapping social movements: women's human rights; women's health; and sexual orientation as a human rights issue. Arguing that notions of sexuality and sexual rights are rooted in gender norms, they contend that claims for sexual rights are both affirmative demands for women's right to fully exercise their citizenship and a demand for protection against human rights violations. In order to make this argument they draw on two forms of information: personal stories from a series of tribunals and hearings coordinated by the Center for Women's Global Leadership, where women "testified" about violations committed against them; and a detailed investigation of the emerging sexual rights discourse as articulated through the documents and debates at the International Conference on Population and Development (Cairo, 1994) and the UN Fourth World Conference on Women (Beijing, 1995). They conclude by describing the efforts of a number of women's and human rights organizations to highlight sexuality as a human rights concern.

HERA: Health, Empowerment, Rights and Accountability, 1998. *Women's Sexual and Reproductive Rights and Health Action Sheets*. New York: International Women's Health Coalition. On-line version available at [www.iwhc.org/index.cfm?fuseaction=page&pageID=41](http://www.iwhc.org/index.cfm?fuseaction=page&pageID=41) and through the International Women's Health Coalition.

These action sheets seek to define the central concepts related to reproductive and sexual health and rights, derived from the agreements reached at the International Conference on Population and Development (Cairo, 1994) and the Fourth World Conference on Women (Beijing, 1995). Prepared by an international group of women's health advocates (HERA), the sheets discuss key terms and concepts and provide recommendations for actions and strategies on a range of issues, including sexual rights, reproductive rights, and adolescents' sexual rights and health.

Zanele Hlatshwayo, 2000. "The Sexual Rights Campaign in South Africa." *Women's Health Collection/5: Women, Sexualities, Rights*. Santiago, Chile: Latin American and Caribbean Women's Health Network.

The author, the project manager for the Women's Health Project (WHP) in South Africa, describes the main goals and objectives of the WHP's Sexual Rights Campaign. In doing so, she reflects on how key health and rights issues – such as HIV/AIDS and domestic violence – have been translated into campaign activities and messages. The multifaceted campaign includes training workshops and advocacy activities, all of which challenge traditional gender norms and stereotypes. At the center of the campaign is a call to women and men to be key actors in creating the conditions for the realization of their sexual rights.

Ipek Ilkcaracan and Gülsah Seral, 2000. "Sexual Pleasure as a Woman's Human Right: Experiences from a Grassroots Training Program in Turkey." pp. 187-196 in Pinar Ilkcaracan, ed., *Women and Sexuality in Muslim Societies*. Istanbul: Women for Women's Human Rights.

The research for this article is based on Ilkcaracan's and Seral's own human rights advocacy work with Women for Women's Human Rights (WWHR), an NGO in Turkey. They examine the way that WWHR weaves issues of women's sexuality into human rights trainings. The authors argue that by first emphasizing a range of human rights issues, and later the human rights aspects of sexuality, participants in the training are less intimidated by discussions about sexuality. Ilkcaracan and Seral show how the WWHR program effectively uses separate modules to discuss a wide range of human rights issues, thereby giving equal emphasis to and separating the issues of violence, reproductive rights, and pleasure. The authors outline the structure of the sexuality module, and indicate how the different steps work to "establish incrementally an empowering definition of sexual rights" (p. 192). These steps include a group discussion of social myths, small group discussions of personal experiences of sexuality, an information session, and a concluding discussion that focuses specifically on sexual rights. Ilkcaracan and Seral argue that, through a sensitively designed training, women can not only learn more about sexual rights, but also be encouraged to explore their own sexuality.

Elizabeth Khaxas, 2001. "Organizing for Sexual Rights: The Namibian Women's Manifesto." pp. 60-65 in Cynthia Meillón with Charlotte Bunch, eds., *Holding on to the Promise: Women's Human Rights and the Beijing + 5 Review*. New Brunswick, NJ: Center for Women's Global Leadership, Rutgers. See also, "Sexual Rights are Human Rights," statement by Elizabeth Khaxas at the Rally for Democracy and Human Rights, which took place in Windhoek, Namibia on 28 April 2001. Contact Sister Namibia at [sister@iafrica.com.na](mailto:sister@iafrica.com.na).

Khaxas begins by noting the contradiction between the Namibian government's claim to respect the human rights of all women and the fact that lesbian women are told that they have no human rights at all. This essay tells the story of how Sister Namibia, a women's rights organization, coordinated a national and collaborative process of preparing a *Women's Manifesto*. At the outset of the process, one of the more contentious issues was whether to include language on sexual rights and the rights of lesbians. While the South West African People's Organization (SWAPO) Women's Council (a branch of the ruling party), among other groups, resisted including references to the rights of lesbians in the Manifesto, the majority of other organizations, including grass-roots rural women's groups, welcomed the inclusion of these references. Through discussions and role-plays in regional workshops about the Manifesto, Sister Namibia found that the overwhelming majority of participants were enthusiastic about the use of human rights as a means of empowering all women, regardless of their sexual orientation. In fact, they were willing to boldly resist SWAPO's discriminatory position on this issue, and made supportive statements for inclusion, such as "Lesbian women are our mothers, sisters and daughters" (p. 64). Sister Namibia has continued to work consistently for the indivisibility of women's human rights in all their endeavors.

Alice M. Miller, 2000. "Sexual but Not Reproductive: Exploring the Junctions and Disjunctions of Sexual and Reproductive Rights." *Health and Human Rights*, v. 4, no. 2: 68-109.

While the term "sexual rights" is increasingly being invoked, those engaged in debates about sexuality and human rights have noted a critical lack of clarity about what, precisely, the term implies. Miller seeks

to provide a human rights framework for understanding sexuality, and for delineating how sexual rights fit within international human rights norms and standards. Working from a rights-based analysis, Miller strives to critique and expand the boundaries of the human rights system. She confronts the issue of sexuality from two main human rights vantage points: the right to be *free from* (a *violations* approach) and the right *to do* something (a *promotions* approach). Miller also explores – and disentangles – the relationship between reproductive rights and sexual rights, noting that the two are often inappropriately conflated. In carefully reviewing the emerging global discourse of sexual rights, Miller argues that by conflating sexual rights with reproductive rights, individuals or groups of individuals engaged in non-procreative sex (heterosexual or not) can be disenfranchised. Miller wants to see a concept of sexual rights developed that rests on a rubric of rights which “will benefit all, liberate all, protect all” (p. 96). Inherent to this understanding are important tensions: at what point does one person’s right to... violate another person’s right to be free from...? How do rights and state regulation interact? Miller counsels readers to tread these lines carefully and calls for “strategic cross-cultural and cross-sectoral coalitions, between groups and persons who act or speak in different ways or from different sexual identities” (p.96).

Rosalind P. Petchesky, 2000. “Sexual Rights: Inventing a Concept, Mapping and International Practice.” pp. 81-103 in Richard Parker, Regina Maria Barbosa, and Peter Aggleton, eds., *Framing the Sexual Subject: The Politics of Gender, Sexuality and Power*. Berkeley: University of California Press.

Arguing that there is a feminist sensibility that pervades the UN documents adopted in Vienna, Cairo, and Beijing, Petchesky provides a brief history and analysis of how sexuality has been constructed and understood in these documents. She challenges dominant and overly simplistic perspectives by, for example, arguing for conversations that contemplate pleasure as well as violence and rights, as well as the conditions necessary for the exercise of those rights. She examines the implications of the conspicuous absence of “the body” from most UN documents. Petchesky engages both sides, looking at why neither right-wing nor left-wing representatives wish to include specific references to bodies. This article emphasizes the importance of addressing sexual pleasure and acknowledging homosexuality and other supposedly “deviant” forms of sexuality in debates about sexual rights. Petchesky also grapples with the complexities and internal contradictions that are too often ignored when engaging in the discourse of sexuality, such as overstating the dichotomy between “pleasure” and “danger,” and thus ignoring the interplay between the two; or the possibility that sexual rights will become an overly generalized discourse, and exclude and obscure the local and historical specificity of sexuality.

Darini Rajasingham, 1995. “On Mediating Multiple Identities: The Shifting Field of Women’s Sexualities within the Community, State and Nation.” pp. 233-248 in Margaret A. Schuler, ed., *From Basic Needs to Basic Rights: Women’s Claim to Human Rights*. Washington, DC: Women, Law and Development International.

Rajasingham takes up the apparent contradiction between the rise of women’s (and feminist) organizing in postcolonial nations, and the persistence or re-emergence of women’s cultural and sexual subordination. She argues that reproductive technologies and population policies both hinder and advance women’s sexual autonomy. On the one hand, reproductive technologies enlarge women’s choices. At the same time, they also give impersonal forces greater access to and control over women’s bodies. In the context of nationalism and the organization of postcolonial states, women’s sexuality has become increasingly scrutinized, while simultaneously women’s citizenship remains insecure. The tenuous economic and political situation of many newly (or recently) independent nations has often resulted in greater regulation of women’s sexuality, in the name of protecting culture and nation. She cites, as one example, the initial refusal of the Indian government to sign the Convention on the Elimination of All Forms of Discrimination Against Women. In this case, the Indian government claimed that the Constitutional guarantees of personal law to minority communities conflicts with several articles of the Convention. However, rather than leading to a call for dismantling such constitutional guarantees, Rajasingham advocates for reform toward greater gender equality within such minority communities.

Cynthia Rothschild with Scott Long, 2000. *Written Out: How Sexuality is Used to Attack Women's Organizing*. NEW YORK: International Gay and Lesbian Human Rights Commission; and New Brunswick, NJ: Center for Women's Global Leadership, Rutgers.

Using carefully researched examples of the ways sexuality is used to attack women's organizing, *Written Out* provides detailed documentation and analysis of attacks on feminist and women's organizing through the strategic deployment of negative ideas about women's sexuality. The attacks cited all use sexuality as the excuse for persecution with the goal of undermining progressive work being done by the organizations or individuals. The range of countries, methods, and groups attacked is diverse. Responses to the efforts to undermine range from vehement denial of allegations of homosexuality to more constructive retorts that either ignore the challenges inherent to the attacks in order to defuse them, or that "turn the tables" by directly challenging the perpetrators' homophobia or misogyny. Concluding with recommendations for the UN, NGOs, and governments, Rothschild's and Long's overarching argument centers on accountability and solidarity. States and NGOs must hold themselves and one another accountable for prosecuting and stopping sexuality-based human rights violations. Emphasizing that sexual rights are extensions of existing rights, Rothschild and Long encourage everyone to recognize and respect the universality of human rights.

Yasmin Tambiah, 1995. "Sexuality and Human Rights." pp. 369-390 in Margaret A. Schuler, ed., *From Basic Needs to Basic Rights: Women's Claim to Human Rights*. Washington, DC: Women, Law and Development International.

This essay seeks to conceptualize women's sexual rights within the context of the social organization of female sexuality and the regulation of female sexual behavior. Tambiah examines the uses and limitations of current human rights instruments in relation to female sexuality, and provides recommendations for the development and realization of sexual rights for women. Focusing on the "battleground" of female sexual behavior, Tambiah assesses the challenges faced by women and girls in realizing their sexual desire – both as individuals and as members of communities. While women often struggle to control their sexuality, Tambiah explores how they are opposed by families and communities. Often the outcome is human rights violations against women. Compulsory heterosexuality is another form of familial and communal suppression of women's sexual autonomy. Tambiah contends that mandatory heterosexuality leads to abuses against lesbians as well as other women who refuse to act in accordance with heterosexual norms – such as forced marriage, forced psychiatric treatment, and social isolation, among others. Familial regulation of women's sexuality finds its counterpart in the state. The family, the community, and the state often collude in denying sexual rights to women. This denial of rights leads to abuses – for example, virginity testing in Turkey, where state doctors conduct tests on women at the request of parents or other community authorities, contravenes both the constitutional rights and human rights of Turkey's female citizens. Tambiah concludes with a series of recommendations that seek to affirm women's sexual rights as human rights, and to facilitate the incorporation of sexual rights advocacy into all human rights activism.

## **THEMATIC AND REGIONAL PERSPECTIVES**

Sunila Abeysekera, 1997. "Abortion in Sri Lanka in the Context of Women's Human Rights." *Reproductive Health Matters*, no. 9: 87-93.

This article examines the debate about abortion that took place in the Sri Lankan Parliament after the introduction in 1995 of a bill to amend the abortion law in the country's Penal Code. In examining the parliamentary debate, Abeysekera shows how contradictory portrayals of women – and women's sexuality – coexist, creating a challenge for reproductive and sexual rights advocates. Two competing stereotypes of women fueled the debate. Women were, at certain moments, 'weak and vulnerable'; at other times they were inherently promiscuous beings who would take advantage of the law and use it to their gain. Abeysekera investigates the terms of the debate, noting that both advocates and opponents of legal abortion struggled to come to terms with the dynamic between universality and cultural specificity.

Abeysekera argues that the fact that the debate took place at all is an indication of the serious challenge to women's human rights being waged by politically conservative groups. At the same time, it is a testament to the strength of women's rights activists. Breaking down the division between public and private spheres is one solution that Abeysekera offers, but she also observes how attempts to do this are consistently and vociferously hindered by "religious and traditional ...norms and practices" which dictate existing concepts of morality – to the detriment of women's rights. It is useful to read this article to gain a better understanding of how the undercurrents of debates over women's sexuality are deployed for competing political purposes.

Lama Abu-Odeh, 2000. "Crimes of Honor and the Construction of Gender in Arab Societies." pp. 363-380 in Pinar Ilkkaracan, ed., *Women and Sexuality in Muslim Societies*. Istanbul: Women for Women's Human Rights.

Abu-Odeh examines the legal codification of so-called "crimes of honor"<sup>2</sup> in Arab nation-states, and argues that it serves two purposes. First, it contains the practice of the crime by setting boundaries around what is permissible and what is not. Second, in setting these boundaries, it also "modernizes" a traditional practice. Abu-Odeh attempts to uncover the role that "honor crimes" play in the production and reproduction of gender relations in contemporary Arab life. She compares penal codes and jurisprudence across a variety of Arab states, noting two primary areas of variation: first, under which situations can the claim of "honor" be made (i.e. in some cases it can be applied only in cases of adultery); and second, who can benefit from the excuse (i.e. the husband only, or the husband, the son, the father and the brother). Abu-Odeh stresses the critical role of virginity in the discourse of "honor." She notes that virginity is the regulatory practice of gender; virginity delineates the boundaries of the body that is called female. "Crimes of honor" can only occur when these boundaries have been transgressed, and they function to maintain the honor/shame-based construction of heterosexuality, the cornerstone of which is women's chastity. Despite this critique, Abu-Odeh takes the position that a demand to completely abolish "crimes of honor" is unrealistic. Instead she proposes that "crimes of honor" be replaced with "crimes of passion," as "passion" connotes a context of a private relationship between two people, rather than a context of transgression against a collective and public unit such as the family or the community.

Amnesty International, 1997. *Breaking the Silence: Human Rights Violations Based on Sexual Orientation*. London: Amnesty International.

This booklet provides an overview of lesbian, gay, bisexual and transgender issues within a human rights context. It illustrates the ways in which people are targeted for their real or perceived sexual orientation, and the human rights principles that compose a framework for protection and accountability. Based on the premise that the rights of all people – regardless of their sexual orientation – should be respected, protected and fulfilled, this publication looks at a range of violations and how people's rights can be guaranteed. Violations including discrimination, torture, rape, forced "medical treatment", and the death penalty, among others, are explored, along with a sampling of non-governmental organizations' activities to address sexual orientation as a human rights issue. The report contends that the responsibility to end these abuses falls first and foremost on governments, in collaboration with non-governmental organizations. Based on documentation gathered by Amnesty International (AI), the report examines a series of cases from around the world. AI analyzes two main factors that contribute to the continuation of abuse. First, many lesbians and gay men do not report discrimination and violence perpetrated against them because they fear their stories will not be taken seriously, or the reporting of these abuses may lead to further discrimination and violence. Second, when human rights abuses do occur based on real or perceived sexuality, they are often covertly masked behind other legal pretexts, such as laws regulating public order, public scandal, and indecency, etc. In addition, these violations are frequently ignored or tacitly sanctioned by governments, or, in some cases, the state itself is the perpetrator of the abuses. Throughout the report, AI calls on governments to take action against all human rights violations that occur because of the victim's sexuality, and to bring national legislation into conformity with international human rights norms and standards.

Comité de America Latina y el Caribe Para la Defensa de los Derechos de la Mujer and Center for Reproductive Law and Policy, 1999. *Silence and Complicity: Violence Against Women in Peruvian Public Health Facilities*. New York: Center for Reproductive Law and Policy.

This report documents violations of the human rights of women who use public health facilities in Peru. Issues of sexual autonomy and bodily integrity are firmly situated within the realm of reproductive and sexual health and rights. Comité de America Latina y el Caribe Para la Defensa de los Derechos de la Mujer (CLADEM) and Center for Reproductive Law and Policy (CRLP) examine cases of physical, psychological, and sexual violence against women committed by personnel in public health facilities. They also document a range of other abusive practices in the health care context that contravene international human rights norms and standards and abrogate women's rights to health, and reproductive and sexual rights. Testimonies, interviews, and an analysis of national laws reveal that the government has consistently failed to uphold its obligations under international human rights law. In the testimonies presented, women tell of physical and psychological violence; exposure to grave risks to life, body, and health; and coercive, humiliating, and discriminatory treatment against those who use public reproductive health and family planning services. Experiences of abuse by public health care clients are grouped into three categories: a) violations of the right to personal integrity and autonomy in decision-making regarding sexuality and reproduction; b) violations of the right to health; and c) violations of the right to be free from discrimination and violence. The report asserts that the Peruvian government is responsible for acts of violence and other abuses committed by providers of public health services. The government is also accountable for the lack of effective mechanisms to prevent and sanction these acts, the systematic cover-up of violations, and the failure to punish those responsible through existing administrative and judicial channels. At the root of the abuse, the report holds, is discrimination, particularly against those with the least economic and social power. A series of recommendations is presented to the Peruvian government, to associations of health care professionals, to institutions of learning for health care professionals, and to international actors.

Aida Seif El Dawla, Amal Abdel Hadi, and Nadia Abdel Wahab, 1998. "Women's Wit Over Men's: Trade-offs and Strategic Accommodations in Egyptian Women's Reproductive Lives." pp. 68-107 in Rosalind Petchesky and Karen Judd, eds., *Negotiating Reproductive Rights*. London: Zed Books Ltd.

This article was produced as part of a multicountry action research project organized by the International Reproductive Rights Research and Action Group. The theories and practices it examines are informed by the larger goals of the project: to look at how women articulate their entitlements and aspirations and how they negotiate relations with their families, communities, public authorities, service providers, and others. The authors reveal how sexuality and rights are culturally rooted concepts. They note, "women's relationship to their bodies is shaped by such negotiations among needs, desires and obligations; ownership of the body is both personal and socially determined" (p. 99). They first look at the general historical, legal, social, and economic situation in Egypt, and build an exploration of ideas regarding sexuality and reproduction in the different groups surveyed – women who are married and unmarried, Islamists, and men. One of the key concepts the authors probe is how women engage in "trade-offs" or strategic accommodation in order to gain greater control over their reproductive and sexual lives. They show how women attempt to gain greater reproductive and sexual autonomy while they maintain socially and culturally appropriate gender roles. This research illustrates how concepts such as human rights or reproductive and sexual autonomy can and do vary from place to place and culture to culture.

Geeta Rao Gupta. "Gender, Sexuality, and HIV/AIDS: The What, the Why, and the How." Plenary Address, Global Congress on HIV/AIDS, Durban, South Africa, July 12, 2000. On-line version available at [www.icrw.org](http://www.icrw.org) and through the International Centre for Research on Women.

Gupta examines the ways that unequal power relations between men and women result in gender-specific forms of vulnerability to HIV/AIDS. She explicitly focuses on heterosexual transmission, noting that it is the most common mode of transmission globally. Carefully distinguishing between gender and sexuality (while exploring their interconnection), Gupta investigates how societal expectations of both women and men combine to create an environment ripe for the spread of HIV/AIDS. And, since the pandemic is facilitated through the interplay of gender, power, and sexuality, viable solutions must



challenge traditional gender roles and provide alternative formulations of masculinity and femininity. The strength of Gupta's analysis lies in her careful attempt to illuminate how differences in cultural constructions of gender and sexuality lead to different risks for women and men. Gupta evaluates various approaches to HIV/AIDS prevention, treatment, and education: *gender-neutral* approaches, which do not make programmatic distinctions between women's and men's need and concerns; *gender-sensitive* approaches, such as distributing female condoms to women; *transformative* strategies, which encourage positive and nonexploitative sexual roles for men; and *empowering* strategies, which seek to free women and men from harmful norms of gender and sexuality. In appraising these approaches, Gupta is primarily concerned with whether HIV/AIDS prevention, treatment, and care challenge the very norms of gender and sexuality that result in women's and men's vulnerability to infection. Gupta's nuanced assessment of the interplay of gender and sexuality offers important insights needed for a deeper understanding of the links between gender, sexuality, and human rights.

Human Rights Watch/Africa, Human Rights Watch Women's Rights Project, and La Fédération Internationale des Droits de l'Homme, 1996. *Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath*. New York: Human Rights Watch.

In recent years, growing attention has been paid to the use of sexual violence against women in situations of armed conflict – both past and present. In Rwanda, sexuality-related forms of violence included sexual mutilation, forced pregnancy, rape, and sexual slavery. Based on extensive human rights documentation, this report illustrates how simply being female was a risk factor, as women and girls were routinely targeted for sexual abuse. In addition, *Shattered Lives* reveals how sexual violence was also used to terrorize and degrade a particular community and to achieve a political end. Women's bodies were the literal battleground of war, and the dehumanization of an individual woman through sexual violence was often deployed to strip the humanity of the larger group of which she was a part. As the report shows, “the extremist propaganda which exhorted Hutu to commit the genocide specifically identified the sexuality of Tutsi women as a means through which the Tutsi community sought to infiltrate and control the Hutu community” (p. 2). Such propaganda fueled sexual violence as a form of combat. Women also carry a heavy burden of rebuilding a ravaged country. At the time of this report (1996), it was estimated that women composed 70 percent of the population of Rwanda. Half of all households were headed by women. And yet, women faced persistent and systematic discrimination, including through inheritance laws that discriminate against women, the disproportionate burden of poverty on women, and the government's pervasive lack of accountability. The report includes extensive recommendations, some of which have since been put into practice, particularly in the activities of the International Criminal Tribunal for Rwanda. It also provides an analysis of international and national legal protection against gender-based violence, including sexual violence as a war crime, a crime against humanity, and an act of genocide, as well as rape as a crime under Rwandan law. Finally, while examining the ongoing struggles of Rwandan women, the report reviews the responses of relevant national and international actors addressing gender-based violence against women and its aftermath.

Human Rights Watch Women's Rights Project, 1996. *All Too Familiar: Sexual Abuse of Women in US State Prisons*. New York: Human Rights Watch.

Based on investigations into the sexual abuse of female prisoners in five states in the United States and in the District of Columbia, this report looks at how women are abused at the hands of male correctional employees in eleven state prisons. It documents how women prisoners who are abused by male guards are most often unable to escape their abusers, prevent further abuse, or seek redress. Guards are rarely held accountable, and prison administrators seldom take action to prevent the abuse and punish the perpetrators. In addition to documenting sexual violence against female prisoners, the report shows that correctional officers engage in a wide range of sexual misconduct, including groping, verbal degradation, and harassment. This contributes “to a custodial environment in the state prisons for women which is often highly sexualized and excessively hostile” (p. 2). Using the framework of national and international law, including the *United Nations Standard Minimum Rules for the Treatment of Prisoners*, the report examines the deficiencies in the system's response to sexual abuse of women in prison. Human Rights Watch argues that “any correctional officer who engages in sexual intercourse or sexual touching with a

prisoner is guilty of a crime and should be prosecuted to the fullest extent of the law," even absent any form of pressure or offer of exchange.

Kamala Kempadoo, 1998. "Introduction: Globalizing Sex Workers' Rights." pp. 1-28 in K. Kempadoo and Jo Doezema, eds., *Global Sex Workers: Rights, Resistance, and Redefinition*. New York: Routledge.

Kempadoo's introduction truly offers an extensive summary of the myriad issues and contentious debates surrounding the discussion of prostitution worldwide. She takes on a range of issues, including: the importance of characterizing sex work as *work*; the impact of globalization on sex work, especially through the rise of sex tourism; the impact of HIV/AIDS, both in a negative sense, with the burden of blame placed on sex workers, and in a positive sense, as a potential unifier and organizing agent; and the nature of international sex workers' rights organizing. Kempadoo contends that debates about prostitution must fully incorporate all of these elements. In particular, she argues that debates and strategies must resist simplistic portrayals that characterize sex workers as always and only poverty-stricken victims without agency or control over their lives. She emphasizes the variation of types of workers and forms of sex work, arguing that neither human rights workers nor feminists have fully appreciated the diversity of sex work, and therefore the myriad issues that must be addressed.

Barbara Klugman, 2000. "Sexual Rights in Southern Africa: A Beijing Discourse or a Strategic Necessity?" *Health and Human Rights*, v. 4, no. 2: 144-173

Klugman takes as her starting point the historic agreement reached at the 1995 Fourth World Conference on Women that human rights include the right of women to have control over their sexuality (paragraph 96 of the Beijing Platform for Action). Ultimately, she argues, the consensus reached in Beijing was possible only because of both the support for "sexual rights" from a number of developing countries and the open-ended wording used to describe the idea. Yet, this consensus has not resulted in clear and precise efforts to address the root causes of HIV/AIDS, which are, according to Klugman, "poverty and culture, an interaction that is consolidated within the dynamic of sexual interaction" (p. 146). Using the southern African region as a case study – and the Southern African Development Community (SADC) in particular – Klugman explores how the concept of sexual rights has been and continues to be interpreted in policies and programs. She emphasizes the connection between gender inequality and the lack of sexual rights for women in particular. This has particularly severe consequences for HIV/AIDS policies in southern Africa. Klugman observes that conversations exploring the impact of poverty, gender roles, and religion have the potential to open the way for more dialogue about sexual rights. Despite these opportunities, Klugman sounds a note of caution: while many southern African countries acknowledge the role of sexual violence, for example, in the spread of HIV/AIDS and have policies to combat it, there is a gap between written policy and implementation. At the same time, she notes a wide range of "openings that could be used to help redefine assumptions about the nature and purpose of sex" (p. 167).

Oliver Phillips, 2000. "Constituting the Global Gay: Issues of individual subjectivity and sexuality in Southern Africa." pp. 17-34 in Carl Stychin and Didi Herman, eds., *Sexuality in the Legal Arena*. London: The Athlone Press.

Phillips turns the tide on the common formulation that the identity of "the homosexual" (gay, lesbian, bisexual) is, in and of itself, a Western import. He argues that the importation into Africa of colonial law and morality has played an equally important role in creating individualized subjectivity in a form that presents issues of identity and sexuality as static rather than fluid. Looking at the contrasting cases of Zimbabwe and South Africa, Phillips' objective is to examine how conceptual patterns in law (and the discourses of which they are a part) interact with conceptions of power and agency to promote notions of individual subjectivity. He shows that although non-procreative, same-sex sexual practices pre-dated colonialism, colonization and Christianity imported a legal and moral system that transformed same-sex sexual activity into criminal offenses. Through analyzing the process of colonization, with particular attention to the role of the law in constituting individual "subjects", Phillips illustrates how individual people, or "subjects" (each with a supposedly unchanging sexuality) were created, where previously relationships were organized through reference to a clan or kinship group. The transformation of sexual

practices into identities created categories of individuals who could then make human rights claims based on their experiences related to those identities.

Bonnie Shepard, 2000. "The 'Double Discourse' on Sexual and Reproductive Rights in Latin America: The Chasm between Public Policy and Private Actions." *Health and Human Rights*, v. 4, no. 2: 110-143.

Through the use of policy analysis and case studies, Shepard's examination of the "double discourse" system sheds light on how contradictory perspectives on reproduction and sexuality are instituted and maintained. She reveals how repressive or negligent public policies exist on top of privately tolerated, unofficial, and often illegal mechanisms that actually expand the sexual and reproductive choices of individuals. Looking at the specific cases of divorce law in Chile and abortion advocacy in Colombia and Chile, Shepard investigates the gap between policy rhetoric and people's everyday reality. This double discourse functions as an escape valve to "allow private accommodations to repressive policies, leaving the official legal and/or religious norms untouched while reducing the social and political pressure for policy advances" (p.113). The double discourse also functions as the cultural and political articulation of systemic contradictions: it both supports and re-creates existing power relations, so that its benefits are more readily available to more politically and economically powerful individuals. One result is that those who are already disadvantaged or discriminated against neither reap the benefits of this system nor have the power to change it. Shepard also examines the backlash that frequently erupts when people try to break the double discourse system by speaking out about the "escape valves." All too often, direct contestation results in repression. Shepard also evaluates several advocacy strategies, noting that challenges to systemic contradictions that focus on ethics and public health have significant potential. Acknowledging the importance of the influence of the mass media, Shepard argues that different strategies must be adapted for diverse audiences.

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## ON-LINE RESOURCES FOR FURTHER INFORMATION

*Association of Women in Development Resource Net*: An on-line listing of announcements, events, resources, and news. To subscribe, write to: [lists@awid.org](mailto:lists@awid.org), and include the words "subscribe resource" in the body of the e-mail message.

*The Drum Beat*: From the *Communications Initiative*. An on-line listing of resources, including organizational updates, publications, conferences, and information with an emphasis on health issues: [www.comminit.com](http://www.comminit.com).

François-Xavier Bagnoud (FXB) Center for Health and Human Rights, Harvard University, *Health and Human Rights Conference List*: An on-line listing of news, meetings and events, and information and resources: [www.fxb.org](http://www.fxb.org).

*Global Reproductive Health Forum*: A research library with bibliographic references on sexual rights: [www.hsph.harvard.edu/Organizations/healthnet/reprorights/topic05.html](http://www.hsph.harvard.edu/Organizations/healthnet/reprorights/topic05.html).

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*Women's Human Rights Resources*: Annotated bibliographic references on a wide range of topics, including sexual orientation, reproductive rights, violence against women, health and well-being, among others: [www.law-lib.utoronto.ca/Diana](http://www.law-lib.utoronto.ca/Diana).

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## Sexual Rights Campaigns

Campaign for an Interamerican Convention on Sexual Rights and Reproductive Rights, organized by Comité de America Latina y el Caribe Para la Defensa de los Derechos de la Mujer: [www.convencion.org.uy](http://www.convencion.org.uy) (in Spanish).

May 28, Women's Health Day, Campaign for Women's Reproductive and Sexual Rights, organized by the Latin American and Caribbean Women's Health Network: [www.reddesalud.web.cl](http://www.reddesalud.web.cl) (in Spanish).

Women's Health Project (South Africa), Sexual Rights Campaign: [www.sn.apc.org\whp](http://www.sn.apc.org\whp).

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<sup>1</sup> While we use the terms *sexual rights* and *sexuality and human rights* together, we understand that they are distinct but related concepts. *Sexual rights* generally implies a distinct set of rights related to sexual expression, behavior, practices, and identities. *Sexuality and human rights* can be construed as a more broad term, encompassing the status of sexuality-related issues within the context of human rights laws, instruments, and advocacy.

<sup>2</sup> Many women's and human rights advocates use the modified term "so-called crimes of honor" in order to contest, and take legitimacy from, the definition of honor that some use to justify these violations.