

SEXUAL RIGHTS: Concepts and Action

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Over the course of the past decade, the intersection between sexuality and health has become a central focus of attention for researchers and activists from a range of diverse fields. Scientific disciplines and social movements that, until quite recently, might well have seemed to have little in common with one another, have increasingly merged in seeking to address the complex range of questions that have linked sexuality to health in the late twentieth century. Yet in spite of intense research and activism in recent years, we have nonetheless largely failed to develop a more coherent framework for thought and action capable of resolving such questions—and this failure has been linked in important ways to our inability to develop a concept of sexual rights capable of serving as the cornerstone for a more progressive, global response to the relationship between sexuality and health.

This paper briefly discusses the key challenge that currently confronts work on sexual rights. I begin by examining the complex intersections among a number of diverse fields that converge around questions related to sexual rights—and around the relationship between sexual rights and sexual health. Then I discuss the apparent difficulties encountered in seeking to elaborate a positive and empowering conception of sexual rights capable of providing a point of departure for the work carried out across such diverse fields. And finally, I would like to briefly suggest how such a conception, should we manage to build it in the future, might enable us to develop a coalition capable of working together both locally and globally not only against sexual violence, but in favor of sexual diversity.

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Intersections

For the greater part of the twentieth century, human sexuality was largely ignored as a focus for social research and reflection. Perhaps because the experience of sexuality is so intimately linked to our bodies, to our biological existence, it was relatively easy to relegate the subject matter of sex to the realm of the biomedical sciences. There it could become the focus for obscure medical tomes or arcane psychiatric practices, because it seemed to have little to do with the more crucial and immediate problems of social life. Indeed, it is really only recently, during the closing decades of the twentieth century, that this marginalization of sexuality, its submission to the biomedical gaze, has begun to give way to a more far-reaching social and political analysis. And it is perhaps only over the course of the past decade, from the mid-1980s to the mid-1990s, that a veritable boom in social research on sexuality seems to have taken place.

The reasons for this recent explosion of social science research on sexuality are of course complex and diverse. They clearly have much to do with a broad set of changes that have been taking place in the social sciences generally, as disciplines such as history, sociology, and anthropology have struggled to find new ways of understanding the rapidly changing world. Perhaps more importantly, however, this growing attention to sexuality as a key focus for social analysis has been mandated by a set of movements within society itself. It can be understood, at least in part, as a consequence of the more far-reaching social changes that began to take place during the 1960s and, especially, of the growing feminist and gay and lesbian movements that emerged from the 1960s as among the most important forces of social change during the 1970s and 1980s.

At the same time that social movements such as feminism and the gay and lesbian movement have been crucial in calling attention to questions of gender and sexuality, over the course of recent decades growing international concern with issues such as population, women's and men's reproductive health, and, perhaps especially, the emerging HIV/AIDS pandemic, has in large part intersected with the research agendas constructed around feminist and gay and lesbian issues. Indeed, while socially and morally conservative sectors

might have preferred to dismiss questions related to sexuality and sexual rights as little more than the private concern of progressive (or perverse) minorities, the broader social implications of issues such as population, reproductive health, and AIDS have in large part guaranteed that the study of sexuality, and of its social and political dimensions, would necessarily emerge as central to many of the most important debates taking place in society in the late twentieth century.

As a result of these diverse movements and trends, social research on gender and sexuality, and, increasingly, their relation to health, has grown enormously in countries around the world. As the complex social and political dimensions of the relationship between sexuality and health have become clearer, intervention aimed at responding to the risks of HIV infection, the problems of sexual violence and unwanted pregnancy, and a host of related issues has come to be central to public health practice. Yet, for the most part, the impact of such interventions, both locally and cross-culturally, has nonetheless remained relatively limited in spite of the significant human and financial resources that have often been employed.

The important limitations that we have witnessed in our ability to intervene, to respond to the social and political forces that currently link sexuality and health, is associated with our inability to effectively situate the question of sexuality within a broader human rights framework—our inability to develop a positive and empowering conception of sexual rights that could cut across sectorial divisions and localized struggles in order to serve as the foundation for a transformed public health practice with regard to sexuality and sexual health.

Rethinking Sexual Rights

With these concerns in mind, I would like to draw on Petchesky's recent review of the evolution of sexual rights as a concept in international discussion and debate on human rights, and, following this lead, to examine some of the key problems with this concept as currently constituted. As Petchesky has argued, sexual rights might be described as "the newest kid on the block in international debates about the meaning and practices of human rights...." Yet it is im-

portant to re-emphasize just how “new” this phenomenon really is: prior to 1993, no international instrument relevant to human rights makes any reference whatsoever to sexuality or sexual rights. In short, prior to 1993 (just three years ago, and in spite of the significant concerns that have been associated with sexuality and sexual health for a number of years now), sexuality quite simply did not exist as a part of international human rights discourse.

An important turning point came in 1993 with the World Conference on Human Rights in Vienna, where, responding to the intensive efforts of the women’s human rights lobby, the Declaration and Programme of Action called for eliminating gender-based violence, sexual harassment, and exploitation. This concern was extended later the same year, in the Declaration on the Elimination of Violence Against Women, through an even more explicit condemnation of physical, sexual, and psychological violence against women.

These advances in 1993 were especially important, as they mark the explicit recognition of sexual violence as a human rights violation—and, hence, of sexuality as at least potentially a legitimate issue within the context of international human rights discourse. Yet it was only in 1994, at the International Conference on Population and Development (ICDP) in Cairo, that sex, sexuality, and sexual health began to enter international debates not merely in relation to violence and violation, but as a positive part of human experience to be preserved and nurtured. For the first time in any international legal document, the ICPD Programme of Action explicitly included “sexual health” as part of an array of rights that population and development programs should protect. Yet even here, the extension of such rights was questionable at best, linked first and foremost to heterosexual reproduction. Nowhere in the Cairo document did sexual pleasure, freedom of sexual expression, or freedom of sexual orientation take shape as part of a more broad-reaching and emancipatory notion of sexual rights. In spite of some important advances with regard to other issues, many of these same silences were repeated in 1995 in the Platform for Action of the Fourth World Conference on Women in Beijing, which, after much struggle and debate, reaffirmed the clear commitment to reproductive rights that had emerged in Cairo,

but without any explicit reference (in the final Platform document) to either sexual rights or sexual orientation.

In spite of the intensive efforts of the international women's movement, and of the admittedly much smaller, but nonetheless important, international lesbian and gay rights movement, by the mid-1990s it was still largely impossible to develop an affirmative, positive approach to sexual rights within the broader context of the international human rights movement. At best, we have managed to focus on the very real and powerful oppression and violence suffered by women worldwide (and by sexual minorities, though this has been less clearly emphasized), in order to promote what might be described as a "reactive" response to the plight of sexual victims. We have failed, however, to construct a more affirmative and emancipatory notion of sexual rights in relation to sexual health—such an idea must indivisibly link sexual rights to sexual health and go beyond a medical or technical definition to take shape as a social issue that is fundamental to any complete notion of human health, well-being, and dignity.

Building a Coalition

What might such an emancipatory conception of sexual rights entail? Following Corrêa and Petchesky, I would argue that to build such a conception, we will need to elaborate a clearly defined set of ethical principles, which might include sexual diversity, sexual decision-making autonomy and gender equality, as the ends or objectives of sexual rights.

To build such an affirmative and emancipatory notion of sexual rights, and to use it as the foundation for a new understanding of sexual health, then, is the fundamental task confronting those who work in the diverse fields related to sexuality, health, and human rights. Yet to construct the enabling conditions that will make it possible to transform abstract principles into lived reality will require building a coalition for progressive social and political change that goes far beyond the relatively sectarian concerns that currently dominate the field.

In short, we must find ways to build bridges. Bridges between the concerns of the feminist movement and the lesbian and gay movement; between reproductive health work

and HIV/AIDS work; between the concerns of activists in the North and those of activists in the South. As the rocky history of attempts to place the question of sexual rights on the agenda of international human rights debate all too clearly demonstrates, the forces of religious fundamentalism, gender oppression, homophobia, sexual discrimination, and economic exploitation are bound together in a complex partnership that currently functions with ruthless effectiveness both locally and globally. Our ability to counteract such forces, and to build a conception of sexual rights as crucial to a broader movement for health and human rights, will depend upon our ability to build a coalition broad enough and strong enough to overcome well-organized resistance—a coalition capable of reconceiving sexual health as a question of social justice.

In my opinion, we are still at the very beginning of this process. Building an inclusive, affirmative, and emancipatory conceptual framework, together with a broad and solidarity-based coalition for progressive social change are the tasks that lie before us. The discussions at the Second International Conference on Health and Human Rights, focusing on issues such as gender power, women's health, sexual orientation, sexual violence, and sexual rights offer a unique opportunity to further the debate over how the possibilities inherent in a notion of sexual rights might be transformed into reality—and to imagine a future in which we might all become the subjects of our own sexualities and the authors of our own histories.

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less to say, full responsibility for the ideas developed here, as well as for any errors in interpretation or analysis, rests with the author.

Suggested Readings

R. Parker and J. Gagnon, *Conceiving Sexuality: Approaches to Sex Research in a Postmodern World* (New York and London: Routledge, 1995).

S. Corrêa with R. Reichmann, *Population and Reproductive Rights: Feminist Perspectives from the South* (London: Zed Books, 1994).

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R. Petchesky, "Sexual Rights: Inventing a Concept, Mapping an International Practice." Paper presented at the Conference on Reconceiving Sexuality, Rio de Janeiro, April 14-18, 1996.

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