



Module Outline for Course Participants

Sexual Rights in Pursuit of Sexual Justice

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This module was created by Dr Sean Slavin and adapted by the Advancing Sexuality Studies short course team at the Australian Research Centre in Sex, Health and Society, La Trobe University, Melbourne, Australia.

Abstract

Discourses of human rights have permeated the politics of many social justice struggles, including the movement against the oppression of diverse sexualities. There has been a significant expansion over the last decade of research, writing and discussion about the concept of sexual rights, the primary concept that links sex and sexuality with the broader human rights agenda.

This module offers a critical overview of sexual rights and examines how sexual rights are currently understood, discussed and used. Questions are raised on whether sexual rights are sufficient to achieve sexual justice and whether the use of rights-based discourses have unintended consequences. What are the best strategies for using a rights-based discourse while avoiding negative consequences?

Module aims

- To critically examine the concept of sexual rights, as enunciated by the WHO and the Yogyakarta principles
- To unpack some of the implicit assumptions within sexual rights discourses
- To provide a theoretical underpinning for further pursuit of sexual justice.

Participants will:

- Build skills in analysing sexual rights definitions and key texts
- Be able to assess the political and strategic usefulness of the discourse of sexual rights
- Explore how sexual rights may be used as a strategy to pursue sexual justice, while understanding the advantages and disadvantages of such an approach
- Participate in active learning.

Required pre-reading (for use in module group work)

Correa, S., Petchesky, R. & Parker, R. (2008) On the indispensability and insufficiency of human rights. IN Correa, S., Petchesky, R. & Parker, R. (Eds.) *Sexuality, Health and Human Rights*. Milton Park, Routledge.

Petchesky, R. (2000) Sexual rights: inventing a concept, mapping an international practice. IN Parker, R., Barbosa, R. M. & Aggleton, P. (Eds.) *Framing the Sexual Subject: The Politics of Gender, Sexuality and Power*. Berkeley, University of California Press.

Overview of module

Introduction

The module aims, expected outcomes for participants and module schedule will be presented. The introductory session will also provide the opportunity to review participants' understandings of and responses to the module pre-readings.

Session 1. What are sexual rights?

This session introduces participants to the UN definition of human rights, as well as unpacking some of the complexities of the explicit and implicit assumptions behind the definition. In addition, this session introduces participants to two key documents in relation to sexual rights: the WHO working definition of sexual rights, and the Yogyakarta Declaration. Participants will discuss the merits of each and compare their strengths and weaknesses.

Session 2. Problems in defining the bearers of sexual rights

Session 2 begins to unpack some of the implicit assumptions within sexual rights discourses. Examples of women and homosexual men as rights bearers are introduced. The session aims to reveal some of the problems with these categories as the basis for deciding who should have sexual rights.

Session 3. How do sexual rights work?

This session encourages participants to examine use of a sexual rights framework in practice; either through taking part in a hypothetical debate of the UN Committee on Human Rights or through developing their own strategy for promoting an issue of sexual rights. The debate allows participants to start to work with the notion of sexual rights, also to hear some of the common criticisms or objections to sexual rights and develop arguments in response. The case study enables participants to work on a real life issue of sexual rights relevant to their local context.

Conclusion

The module will end with a review of outputs from activities and consideration of the challenges and benefits of using a rights framework in relation to sexuality.

Further reading

(including lecture bibliography)

- Altman, D. (1996) Rupture or continuity?: the internationalization of gay identities, *Social Text*, 48, 77-84.
- Amado, L. E. (2006) Promoting sexual rights through human rights education: experiences at grassroots in Turkey, *IDS Bulletin*, 37, 117-122. Available at <http://www3.interscience.wiley.com/cgi-bin/fulltext/121649847/PDFSTART>
- Boyce, P. (2006) Moral ambivalence and irregular practices: contextualizing male-to-male sexualities in Calcutta/India, *Feminist Review*, 83, 79-98.
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- Brown, W. (1995) Rights and Losses. *States of Injury: Power and Freedom in Late Modernity*. Princeton, Princeton University Press.
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- Brown, W. (2004) 'The Most We Can Hope For...': human rights and the politics of fatalism, *The South Atlantic Quarterly*, 103, 451-463.
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- Correa, S. & Petchesky, R. (2007 [1994]) Reproductive and Sexual Rights: a feminist perspective. In Parker, R. & Aggleton, P. (Eds.) *Culture, Society and Sexuality: a reader*. 2nd ed. London, Routledge.
- Duggan, L. (2002) The new homonormativity: the sexual politics of neo-liberalism. In Castronovo, R. & Nelson, D. (Eds.) *Materializing democracy: towards a revitalized cultural politics*. Durham, Duke University Press.
- Duggan, L. (2004) Holy Matrimony! *The Nation*.
<http://www.thenation.com/doc/20040315/duggan>
- Duggan, L. & Kim, R. (2005) Beyond Gay Marriage. *The Nation*.
<http://www.thenation.com/doc/20050718/kim>
- Ettelbrick, P. L. (1997) Since when is marriage a path to liberation. In Baird, R. M. & Rosenbaum, S. E. (Eds.) *Same-sex marriage: the moral and legal debate*. Amherst, Prometheus Books.
- Herd, G. & Kertzner, R. (2006) I do, but I can't: the impact of marriage denial on the mental health and sexual citizenship of lesbians and gay men in the United States, *Sexuality Research and Social Policy*, 3, 33-49.
- Herman, D. (1993) Beyond the rights debate, *Social and Legal Studies*, 2, 25-43.
- Herman, D. (1994) The good, the bad and the smugly: perspectives on the Canadian Charter of Rights and Freedoms, *Oxford Journal of Legal Studies*, 14, 589-604.
- International Working Group On Sexual Rights (2004) Annotated Bibliography on Sexual Rights: Working Document.
- Manalansan, M. F. (1995) In the shadows of Stonewall: examining gay transnational politics and the diasporic dilemma, *GLQ*, 2, 425-438.
- Maticka-Tyndale, E. & Smylie, L. (2008) Sexual rights: striking a balance, *International Journal of Sexual Health*, 20, 7-24.
- Miller, A. M. & Vance, C. S. (2004) Sexuality, health and human rights, *Health and Human Rights*, 7, 5-15.
- Morgan, W. (1994) Identifying evil for what it is: Tasmania, sexual perversity and the United Nations, *Melbourne University Law Review*, 19, 740-757.

- O'Flaherty, M. & Fisher, J. (2008) Sexual orientation, gender identity and international human rights law: contextualising the Yogyakarta principles, *Human Rights Law Review*, 8, 207-248.
- Parker, R., Di Mauro, D., Filiano, B., Garcia, J., Muñoz-Laboy, M. & Sember, R. (2004) Global transformations and intimate relations in the 21st century: social science research on sexuality and the emergence of sexual health and sexual rights frameworks, *Annual Review of Sex Research*, 15, 362-398.
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- Weeks, J. (1998) The sexual citizen, *Theory, Culture and Society*, 15, 35-52.
- Wright, T. (2000) Gay organizations, NGOs, and the globalization of sexual identity: the case of Bolivia, *The Journal of Latin American Anthropology*, 5, 89-111.

Other resources on sexual rights

- Realising Rights: Improving sexual and reproductive health in poor and vulnerable populations. Brighton, UK Department for International Development.
<http://www.realising-rights.org/>
- Human Rights Watch (2008) Human Rights Watch. New York. <http://hrw.org/> See pages on LGBT rights (<http://www.hrw.org/en/category/topic/lgbt-rights>), HIV/AIDS (<http://www.hrw.org/en/topic/health/hiv/tb> and <http://www.hrw.org/en/category/topic/women%E2%80%99s-rights/hiv/aids>) and Women (<http://www.hrw.org/en/category/topic/women>)
- International Working Group On Sexual Rights (2004) Annotated Bibliography on Sexual Rights: Working Document. Available at:
http://www.sms.mailman.columbia.edu/cgsh/iwgssp_bib.pdf