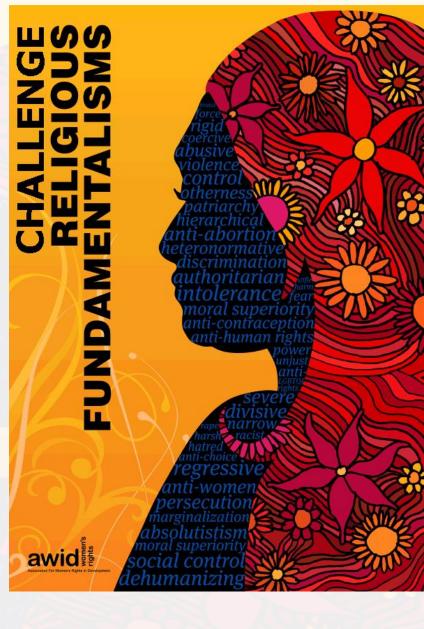
Protection Gaps in Sexual Rights: Taking an Intersectional Approach and Perspective





Addressing Protection Gaps

- One important step in addressing protection gaps in sexual rights: taking **a greater intersectional approach and perspective** within the existing international framework.
- Through a greater appreciation of a) the ways in which sexual rights intersect with other rights, and b) through an understanding and approach to human rights that seeks to address multiple and intersecting forms of injustices and inequalities, including related to sex, gender, age, race, ethnicity, sexuality, religion and ability, among others
- An intersectional approach has great scope to address discrimination and violations perpetuated by both State and non-State actors – it's about ensuring that HR protect everyone, not only the most visible and less marginalized

Intersectionality: A Tool

- Start from the premise that people live multiple, layered identities derived from social relations, history and the operation of structures of power (political, social, economic) which define our access to rights and opportunities
- Intersectionality is a tool helps us understand how different sets of identities impact on access to rights and opportunities, and to see how policies, programs, services and laws that impact on one aspect of our lives are linked to others*
- Thus Intersectionality is a useful strategy for linking the grounds of discrimination to the social, economic, political and legal environment that contributes to discrimination and structures experiences of oppression and privilege**
- This approach aims to address the way in which ethnicity, patriarchy, class
 oppression and other systems of discrimination create inequalities that structure
 the relative situations of marginalised people.

Why Intersectionality?

"It is not about making sure that every oppression is named; it is actually about making sure every person is accounted for." Youmna Chlala, WILD for Human Rights

 Human rights claims "fall through the cracks" when the full context and quality of the experience of discrimination are not considered, certain experiences and issues are rendered invisible. Problems then don't receive appropriate or adequate redress – gaps

Intersectionality: HR Institutions/Orgs

- What is needed here is the application of intersectionality to HR institutions and organizations, with the *theoretical shift* to be accompanied by *practical steps*
- The **principle that HR are** *indivisible and interdependent* underpins intersectional analysis
- Indivisibility and interdependence of rights suggests that the realization of all HR are inextricably linked - the a) understanding that rights themselves are interrelated and mutually reinforcing parallels the b) notion that a person may be subject to HR violations based simultaneously on various facets of her identity
- In practice, often UN orgs/inst tend to focus on one form of HR abuse at a time, fail to see the intersections among various HR abuses and thus often fail even to notice those individuals who occupy this intersectional 'territory.'

The case of WHRDs

- In order for UN mechanisms to better protect WHRDs, need to better grasp the nuance of their context and experiences – Intersectionality as a tool for building a global culture of human rights from the grassroots to the global level*
- Eg issue of reporting/communications to Special Procedures: Are WHRDs in certain groups even more at risk and less likely to report because of issues around criminalization (e.g. trans activists and sex workers)?
- Another factor affecting documentation: when sexuality is used to attack WHRDs, there is a culture of shame, and thus defenders often won't talk openly about the sexual aspect of violence they experienced
- When there are **social/religious attacks** on defenders (e.g. being accused of being a witch) these are not necessarily documented as 'real' human rights violations
- Protections and emergency responses for WHRDs working on SOGI need to take an intersectional perspective: issues of safe houses without women because of gaps; evacuation of WHRDs is also more difficult because of family responsibilities

RFs, sexuality and rights

- Large survey of WHRDs: top impacts from RFs included 1) limiting health rights and reduced repro rights; 2) increased violence; and 3) restrictions on sexual freedoms
- Religious fundamentalisms: authoritarian manipulation of religion and use of extreme interpretations of religion to achieve power, money and extend social control; in many contexts RFs are on the rise
- RFs use bodies as a battlefield in their struggle to appropriate institutional power. Women for instance are often used to symbolize the collectivity, to embody its 'culture and tradition' and its future reproduction
- Because women are considered the **custodians of family norms and honor**, their bodies and sexualities become important sites of religious control.
- RFs oppose women's (and others') autonomy and space for change, resulting in direct and indirect controls over sexuality and policing of gender identity, curbing women's rights and especially over women from marginalized communities

RFs and sexual rights, cont...

- For instance, unmarried and single women are from prevented from accessing sexual and reproductive health services and interventions by religious authorities, who serve as gatekeepers of culture.
- People living with HIV and AIDS are prohibited from accessing treatment and services as they are viewed as 'sinners'.
- Sexuality is considered taboo and sinful, thus limiting safe spaces for frank and positive dialogues on sexual rights issues
- Abortion is restricted and criminalized, thus forcing women to avail unsafe and illegal abortions and thereby endangering their lives and health.
- CEFM: Girls are valued primarily for their virginity and reproductive capacity and hence their sexuality and chastity has to be protected. Her virginity determines her worth and family honor. A woman's/girl's fertility is thus considered appropriate for regulation by families, religious institutions, and governmental authorities.

What's next? Steps at the UN

- One of the ways in which the HRC can advance sexual rights is to recognize the intersections with its regular items of work (disability, race, DAW/VAW, economic rights, etc), highlight interconnections with sexual rights and relevant recommendations
- Eg: Treaty bodies: collaboration on joint GCs/GRs
- Eg SPs: joint communications, joint reports (eg VAW, race/xenophobia, privacy)