

Sexual rights: an IPPF declaration

Abridged version



Preamble

IPPF works to promote sexual and reproductive rights for everyone. IPPF realises and believes that sexual rights are a part of human rights. Therefore, IPPF believes that having sexual rights adds to the freedom, equality and dignity of all people.

The IPPF declaration is grounded in and informed by international agreements such as United Nation Conventions.

- 1 IPPF recognises that sexuality is an important part of being human throughout one's life.
- 2 IPPF supports a vision that aims to respect, protect and advance the rights of all persons to sexual autonomy and to promote sexual health and rights within a framework of non-discrimination
- 3 IPPF believes that it is important to create accountable structures, and to encourage government policies and laws which will make sure that these rights are protected for everyone and where possible promoted and fulfilled/enjoyed.

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Principles

Principle 1

Sexuality is an important part of being human, whether or not a person chooses to be sexually active. Being healthy and able to express one's sexuality freely is central to every person being able to develop and participate in the economic, social, cultural and political arenas.

Principle 2

IPPF recognises that people under eighteen are rights holders. The rights and protection of people under eighteen are sometimes different to that of adults. These differences apply for all aspects of human rights but require particular approaches in regard to sexual rights. The best interests of those under eighteen should always be protected and their evolving capacity to make decisions for themselves should be recognised.

Principle 3

IPPF believes that the basis of human rights protection and promotion and enjoyment/fulfilment is non-discrimination. This means that no one should be treated differently or unequally because of their sexuality, sex, age or gender.

Principle 4

People should be able to enjoy their sexuality and be free to choose whether or not they want to reproduce.

Principle 5

Everyone has the right to be protected from all harm. All people under eighteen should have special protection from all forms of exploitation.

Principle 6

Sexual rights can only be limited by law in order to ensure for the goal of ensuring recognition and respect for the rights and freedoms of others in accordance with human rights law.

The freedom to express one's sexuality should only be limited by law if it is:

- 1 to protect and respect others' rights and freedoms and
- 2 to ensure the general public welfare in a democratic society,
- 3 to protect public health and public order.

Any restrictions resulting from such limits and in proportion must be necessary, proportionate to the achievement of a genuinely legitimate aim.

Principle 7

States have the obligation to respect, protect and fulfil sexual rights for all. The obligation to fulfil requires States to adopt appropriate measures towards the full realisation of the right.

Articles

Article 1

Right to equality, equal protection of the law and freedom from all forms of discrimination based on sex, sexuality or gender

- Everyone is born free and equal in dignity and rights and must be protected against discrimination based on sexuality, sex or gender.
- All rights must be granted to everyone without exception.
- Everyone must be given the possibility to make choices and decisions about their own lives.

Article 2

The right to participation for all persons, regardless of sex, sexuality or gender

- Everyone should be able to live in a world where they are able to participate actively, freely and meaningfully in all areas of human life.
- Everyone should be able to influence decisions concerning matters that directly affect their well being.
- Young people should have the right to take an active role in the processes of change in their societies.
- Everyone should be able to take part in public and political life.
- To enable full participation, everyone should be able to travel freely both abroad and within their own country.

Article 3

The rights to life, liberty, security of the person and bodily integrity

- Everyone has the right to life, liberty and to be free from torture and cruel, inhuman and degrading treatment; this includes the right to exercise one's sexuality free of violence or coercion.
- People cannot be harassed or killed as a means to protect the reputation or honour of a family or a community.
- No one should be harassed or killed because of their sexual behaviour.
- The medical care of women should never be based on any consideration other than ensuring her well being and right to health.
- No woman shall be compelled to have children or not to have children.
- Everyone has the right to be free from harmful customs, practices or traditions, including female genital mutilation and forced or early marriage.
- Everyone has the right to be free from sexually related violence, inside or outside marriage.
- Everyone, including sex workers of any gender, has the right to be free from the risk of violence created by stigma and discrimination based on their sex, sexuality or gender.
- No one shall be arrested or imprisoned because they had consensual sex.

- Everyone shall not be subjected to violence, abuse or harassment on the basis of their sexual choices.
- All migrants must have access to protection from bodily harm and violence based on their sexual and gender expressions.
- Everyone has the right to seek and enjoy asylum and protection from persecution on the basis of their sex, sexual orientation or HIV status.
- No one should be deported if they have a well-founded fear of persecution based on their sexuality or HIV status.

Article 4

Right to privacy

- Everyone has the right not to be subjected to arbitrary interference with their privacy. The right to privacy is central to exercising sexual autonomy.
- Everyone has the right to sexual autonomy and is allowed to make decisions about their own sexuality without arbitrary interference.
- Everyone has the right to confidentiality regarding sexual health services, medical records and in general the right to protection of information concerning their HIV status.
- Everyone has the right to control the dissemination of information relating to their sexual choices and other matters relating to sexuality.

Article 5

Right to personal autonomy and recognition before the law

- Everyone has the right to be recognised before the law and to sexual freedom.
- Everyone has the right to be recognised everywhere before the law without discrimination.
- Everyone is free to make decisions about sexual practices and conduct within an environment free of discrimination, violence and coercion or abuse, and with respect to the rights of others.
- No one shall be subject to laws that criminalize consensual sexual practices or conduct.
- Everyone while in custody has the right not to face abuse or harm. All persons in custody have the right to regular conjugal visits.
- Everyone without exception shall be free from the dangers connected with the crime of human trafficking.
- No one shall have to undergo medical research or procedures against their will on either the basis of sexual expression; sexual orientation; sexual history or behaviour, real or perceived.
- Everyone has the right to be protected from having to undergo medical procedures as a requirement for legal recognition of their gender identity or being pressured into suppressing or revealing their sex, age, gender, gender identity or sexual orientation.
- No one shall be denied identity papers, which show their gender or sex in a way that reflects the individual's chosen gender identity.

Article 6

Right to freedom of thought, opinion and expression; right to association

- Everyone has the right to express ideas of sexuality without arbitrary interference or limitations based on dominant cultural beliefs.
- Everyone has the right to freedom of thought, conscience and religion, taking into consideration the evolving capacity of children.
- Everyone has the right to explore their sexuality free from fear, to express their desires while always taking into consideration the rights of others.
- All persons, especially women, have the right to express themselves freely in whatever way they choose without restrictions.
- Everyone has the right to seek, receive and impart information with regard to human rights respecting the rights of others and the evolving capacity of children including sexual rights.
- Everyone has the right to meet, associate and assemble with others peacefully. This includes the right to join and create groups with the purpose of informing others about sexual rights.

Article 7

Right to health and to the benefits of scientific progress

- Everyone has the right to enjoy the highest standards of sexual health.
- Everyone has the right to insist on safer sex practices for the prevention of unwanted pregnancies and sexually transmitted infections, including HIV.
- All persons have the right to take part in the establishment of laws and policies that affect public health in their communities.
- Every health intervention should take into consideration the special needs of marginalised individuals and communities.
- Everyone has the right to access health care services even if there are health service providers who object.
- Everyone has the right to access information about sexual health and to have access to the best health services based on scientifically valid research.
- Sex workers have the right to safe working conditions and the ability to insist on safe sex practices in their work place.
- Those in armed conflict or those on forced displacement should have access to sexual and reproductive health services.
- Everyone has the right to enjoy the benefits of scientific progress in health and the impact that this has on sexual rights and sexual health.
- Everyone has the right to access or refuse reproductive health and other medical technologies without discrimination. Any age-based restrictions to this right must

not contravene the principles of non-discrimination and the evolving capacity of the child.

- Everyone has the right to participate or to refuse to be part of scientific research on an equal basis with others and without discrimination.

Article 8

Right to education and information

- Everyone has the right to comprehensive sexuality education to help them in exercising their full citizenship in the private, public and political arenas.
- Young people have the right to comprehensive sexuality education to help empower them to make informed and responsible decisions regarding their sexual health.
- Young people have the right to give their input and opinions on sexuality education and sexuality-related policies.
- Everyone has the right to develop skills, to help them to negotiate stronger and fairer relationships.
- Young people shall have the right to access information that enhances sexuality, sexual rights and sexual health.
- Everyone shall have access to information, expressed in easy to understand language, on relevant issues including when, how and with whom to have sex and when sexual behaviour will become reproductive.
- Everyone has the right to education and information to make sure that the decisions that are made relating to their sexual health are made freely and with informed consent.

Article 9

Right to choose whether or not to marry and to found and plan a family, and to decide whether or not, how and when, to have children

- Everyone has the right to choose when and if they want to have children and laws should recognise the diversity of families.
- Everyone has the right to freely enter into marriage, which will be available to all on a basis of non-discrimination and with due regard to the evolving capacity of children.
- Everyone has the right to family-related social welfare, irrespective of the form of family they have chosen, and taking into consideration those not defined by descent or marriage.
- Everyone has the right to have access to the necessary information to choose how to space children and whether or not to have children.
- Everyone has the right to make their own decisions regarding if, when and how to have children, this includes the options of adoption and fertility treatments, and access to affordable contraception of as wide a range as possible.
- All women have the right to access information on safe reproductive health, safe motherhood and abortion, which shall be easily accessible and affordable for all.
- Everyone will have the same rights and responsibilities to children who are in their care on the basis of non-discrimination, in all circumstances the best interests of the child shall be of the utmost importance.

Article 10

Right to accountability and redress

- Everyone has the right to effective, adequate and accessible protection by the appropriate body to ensure that their sexual rights are realised. This includes monitoring the implementation of sexual rights as well as access to remedies for violation of sexual rights.
- States shall be accountable for how they implement and ensure sexual rights.
- Everyone during armed conflict has the right to effective monitoring and redress from sexual and gender-based violence.
- Everyone shall have access to information that will help them to seek redress for violation of their sexual rights.
- Everyone has the right to hold non-state actors accountable for their actions which impact on their ability to enjoy their sexual rights.
- States will ensure that third parties do not violate the sexual rights of citizens.

Concluding note

This abridged version of Sexual Rights: an IPPF declaration is intended as a tool for integrating sexual rights into IPPF programming and advocacy. Each Regional Office will be able to provide further information and support.

Glossary of terms

Autonomy: refers to the ability to make decisions about one's own life and affairs e.g. personal freedom to follow your own will.

Bodily integrity: is the right not to have your body or person interfered with by the State or any other person.

Crime of trafficking: is the acquisition of people by improper means such as by force, fraud or deception, with the aim of exploiting them.

Evolving capacity: refers specifically to the ability of children to be able to make decisions about their lives on their own. It is also the concept that a child's ability to make decisions evolves as they make the transition from infancy to child and from child to adolescent.

Gender: refers to the array of socially constructed roles and relationships, personality traits, attitudes, behaviours, values, relative power and influence that society ascribes to men and women on a differential basis.

Gender-based violence: as defined by The United Nations General Assembly in 1993 is "any act that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. It encompasses, but is not limited to: physical, sexual

and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital cutting and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere; trafficking in women and forced prostitution; and physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs.”

Gender equality: means women and men have equal opportunities, freedoms and conditions. It does not imply that women and men are the same but that they have equal value and should be accorded equal treatment. Gender equality is a human right.

Gender equity: refers to the processes taken to achieve gender equality including fairness and justice in all gender-related issues. Equity involves fairness in participation, representation, decision-making and equal access to resources. It recognizes that women and men have different needs and that power structures and social divisions of labour should be identified and addressed to rectify existing imbalances.

Gender identity: is the way and state of being by which an individual chooses to define/identify themselves.

Preamble: is the formal introduction to a document which sets out the document's purpose and central tenets.

Principle: is both the source and explanation of a fundamental law or reason.

Non-discrimination: is the principle that people may not be treated differently based on arbitrary and impermissible criteria; discrimination based on grounds of race, sex, disability, gender, sexual orientation, geographic location or any other status violates human rights.

Non-state actors: are actors on the international level which are not states. Examples of non-state actors are Non- governmental Organisations (NGOs), armed groups, international media, criminal groups and religious groups.

Redress: is to make reparations or amends for right. To correct an injustice.

Sex: refers to the biological characteristics that define humans as female or male. While these sets of biological characteristics are not mutually exclusive, as there are individuals who possess both, they tend to differentiate humans as males and females.

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, behaviours, practices, roles and relationships.

Sexual rights: they embrace human rights that are already recognized in national laws, international human rights documents and other consensus statements. They include the right of all persons, to be free of coercion, discrimination and violence, to:

- the highest attainable standard of sexual health, including access to sexual and reproductive health care services;
- seek, receive and impart information related to sexuality;
- sexuality education;
- respect for bodily integrity;
- choose their partner;
- decide to be sexually active or not;
- consensual sexual relations;
- consensual marriage;
- decide whether or not, and when, to have children; and
- pursue a satisfying, safe and pleasurable sexual life.

Sexual violence: is violence which is specifically sexual in nature, or directed against persons of one sex because of their sex.

Sexual orientation: this refers to the primary sexual attraction to the same, opposite or both sexes.

Who we are

IPPF is a global service provider and a leading advocate of sexual and reproductive health and rights for all. We are a worldwide movement of national organizations working with and for communities and individuals.

We work towards a world where women, men and young people everywhere have control over their own bodies, and therefore their destinies. A world where they are free to choose parenthood or not; free to decide how many children they will have and when; free to pursue healthy sexual lives without fear of unwanted pregnancies and sexually transmitted infections, including HIV. A world where gender or sexuality are no longer a source of inequality or stigma. We will not retreat from doing everything we can to safeguard these important choices and rights for current and future generations.

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Abridged version

Universal, interrelated, interdependent and indivisible, sexual rights are a component of human rights.

Sexual Rights: An IPPF declaration was developed by a panel that included internationally-renowned experts in sexual and reproductive health and it is grounded in core international human rights treaties and other instruments. It complements the IPPF Charter on Sexual and Reproductive Rights, while aiming to explicitly identify sexual rights and support an inclusive vision of sexuality.

An invaluable tool, the declaration will support the work of all organizations, activists, researchers, policy- and decision-makers who are working to promote and ensure human rights. Working in concert, we can realize our shared vision of a world in which the rights of all people are respected, protected and advanced.