



## Sexuality, Human Rights, and Demographic Thinking: Connections and Disjunctions in a Changing World

Sonia Corrêa and Richard Parker

**Abstract:** This paper documents the reframing at the start of the twenty-first century of the historical debate on ethics and demography, both in terms of greater emphasis on individual rights, as opposed to the previous emphasis on the public good, and through the inclusion of a variety of new dimensions—in particular, sexuality. This shift is intrinsically related to the emergence and impact of social movements—feminists, gay and lesbian organizations, and HIV/AIDS-related initiatives—that became increasingly interconnected globally and were able to diffuse a public discourse concerning sexuality. Despite clear achievements in addressing sexuality and HIV/AIDS issues within a human rights frame, the conceptualization of ethical dimensions relating to demographic change and sexuality is not fully completed. This paper re-examines the recent and conflictive evolution of the global debate linking sexuality and human rights, identifies unresolved conceptual problems, and explores the implications of these new policy trends for demographic thinking.

**Key words:** human rights; sexual rights; health; gender; HIV/AIDS; demography

### Legitimization, Dissent, Uncertainties

In September of 1994, during the International Conference on Population and Development (ICPD) in Cairo, a male African official delegate from a Francophone country strolled in a corridor emphatically saying to a colleague: “There is too much sex in this document.” In fact, in the draft document under negotiation various references to sexual health were made and the concept of sexual rights, although in brackets, was nonetheless paired with reproductive rights in paragraph 7.3. The sexual rights language would not be accepted in Cairo. But a year later, at the Fourth World Conference on Women (FWCW) in Beijing, a paragraph (96 of the Platform of Action) was adopted defining the human rights of women in

matters related to sexuality.<sup>1</sup> More significantly yet, at the Beijing Conference, the last piece of text that had not been agreed upon concerned the mention of sexual orientation in a list of unjustified grounds for discrimination of women (Paragraph 225). This particular paragraph was negotiated at 3 a.m., by the Committee of the Whole in which more than 60 member states expressed their views. A male delegate

1. Paragraph 96 of the FWCW Platform of Action (POA) (United Nations Department of Public Information [UNDPI], 2001) reads: “The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behavior and its consequences.”

Correspondence concerning this article should be addressed to Sonia Corrêa, c/o ABIA, Rua da Candelária 79, 10th Floor, Rio de Janeiro, RJ, Brazil. E-mail: [scorrea@abiids.org.br](mailto:scorrea@abiids.org.br); Richard Parker, Department of Sociomedical Sciences, Mailman School of Public Health, Columbia University, 722 West 168th Street, 9th Floor, New York, NY 10032. E-mail: [rgp11@columbia.edu](mailto:rgp11@columbia.edu)

from Belize, one of the first to take the floor, requested consistent figures on how many people around the world would be subject to that particular form of discrimination. The South African female Minister of Health responded to the question a few minutes later by stating that her country supported the proposed language because it strongly believed that any form of discrimination was morally unacceptable, independent of whether it affected just one person or an entire population.

The majority of delegations agreed with South Africa, but the mention of sexual orientation was dropped after Islamic countries, the Holy See, Malta, and a few Latin American delegations, expressed strong negative reactions.<sup>2</sup> Nevertheless, that long and difficult night did not mean the closure of the sexuality debate in the United Nations arena. Between 1999 and 2001 the subject would stir renewed struggles in several settings, including the five-year reviews of ICPD (Cairo+5, held during the first part of 1999) and FWCW (Beijing+5, in early 2000), the 13<sup>th</sup> International Conference on AIDS held in Durban, and the Special Session of the United Nations General Assembly (UNGASS) on HIV/AIDS during the first part of 2001.<sup>3</sup>

At Cairo+5, a harsh polemic evolved around proposals on sexuality education and adolescents' access to sexual and reproductive services (Sen & Corrêa, 2000).<sup>4</sup> At Beijing+5, regressive forces did their

best to prevent the adoption of a final document and in order to achieve that goal they primarily targeted sexuality-related issues.<sup>5</sup> Once again, it was not possible to include sexual orientation as an unjustified ground for discrimination. At each and every mention of "gender-sensitive" or "diversity of women," representatives from some Islamic countries requested a "precise definition" of the terms, as if a homosexual monster lurked behind them. Conservative forces constantly called attention to difficult issues like prostitution, sexual traffic, pornography, and pedophilia, in relation to which political divides persist within the international women's movement. Until the last hours, insidious efforts were made to block the reaffirmation of paragraph 96 of the FWCW POA (Girard, 2000; Sen & Corrêa, 2000).<sup>6</sup>

The Durban Conference on HIV/AIDS immediately followed Beijing+5. The climate of the event was imprinted by South African President Thabo Mbeki's support for a dissident scientific group that emphasizes the social and environmental causes of AIDS while avoiding the gender and sexuality-related factors relevant to the epidemic.<sup>7</sup> In 2001, the climate

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the process leading towards the ten-year review of the Child Summit. In May 2001, UNICEF showed reluctance to organize a panel on sexual education during the final stages of the review, even when United Nations Population Fund (UNFPA) and the World Bank supported the proposal.

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2. The final text of Paragraph 225 (UNDPI, 2001) under debate in the last night of negotiations reads as follows: "Many women face additional barriers to the enjoyment of their human rights because of such factors as their race, language, ethnicity, culture, religion, disability or socio-economic class, [sexual orientation][which was deleted] or because they are indigenous people, migrants, including women migrant workers, displaced women or refugees. They may also be disadvantaged and marginalized by a general lack of knowledge and recognition of their human rights as well as by the obstacles they meet in gaining access to information and recourse mechanisms in cases of violation of their rights."

3. Concurrently with Cairo+5 and Beijing+5, harsh debates occurred in the negotiations leading to the creation of the International Criminal Court with respect to defining systematic rape as a crime against humanity. Interestingly enough in this particular context the United States (during the Clinton administration) aligned itself with Sudan, Iran, Pakistan, and China.

4. The same controversy is being currently re-enacted in

5. If a final comprehensive document would not have been adopted in Beijing+5 the conservative sectors could easily spread the interpretation that the 1995 Beijing consensus was so frail and provisional that it had been overturned less five years later.

6. There are many illustrations of the acrimony involving sexuality issues in Beijing+5. In a G77 closed meeting, the Pakistani delegate said that as sexual orientation was a regionally specific "problem" that exclusively affects the European Union, the language could not be adopted as a global consensus. In a negotiation between the blocks—European Union, JUSCANZ and G77—the Iranian delegate indicated that G77 would, eventually, accept the retention of the term in the health section because as a disease homosexuality would imply the right to be treated.

7. In particular, Mbeki lent credence to some of the controversial ideas associated with the arguments of Peter Duesberg, from the University of California, Berkeley (see Duesberg, 1987), who has long questioned the supposed role of HIV infection in causing immune system breakdown and thus opening the possibility for the

surrounding the preparations for the HIV/AIDS Special Session (UNGASS) was still more acrimonious. In March, when the Commission on the Status of Women debated the topic Women and AIDS in preparation for UNGASS, the tensions processed in Beijing+5 resurfaced. The US delegation—under the Bush administration—proposed sexual abstinence as the best way to prevent HIV infection. In May, when informal preparatory sessions took place, non-governmental organizations (NGOs) accredited by the Economic and Social Council of the United Nations (ECOSOC) were excluded from the negotiation rooms,<sup>8</sup> and countries with progressive policies in response to HIV/AIDS, such as Brazil, often had their voices silenced or muffled. The same group of progressive countries (plus the United States) expressed strong resistance to the idea that groups most vulnerable to HIV/AIDS—sex workers, drug users, men who have sex with men (MSM)—be openly named in the text.

Right before the Special Session in June, nine member states officially objected to the participation of a representative of the International Gay and Lesbian Human Rights Commission (IGLHRC), also representing the Health GAP (Global Access Project) Coalition, in the roundtable on Human Rights organized by the Joint United Nations Programme on HIV/AIDS (UNAIDS).<sup>9</sup> The crisis led to a vote—a very

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opportunistic infections that occur in cases of AIDS. Duesberg focuses on environmental causes (such as high rates of drug use among gay and bisexual men in countries such as the United States). For Mbeki, however, the primary environmental causes that might be linked to AIDS in sub-Saharan Africa could be found primarily in levels of chronic poverty and underdevelopment caused by the heritage of colonialism and economic dependency – an important reframing of the arguments advanced by the HIV/AIDS dissidents that often went unnoticed (or at least unmentioned upon) in many Western journalistic treatments of Mbeki's position (which frequently characterized his ideas in highly racist terms as an example of irrationality and backwardness).

8. Inter-sessionals are closed negotiations aimed at resolving the stalemates. Although NGOs at large do not have access to these meetings, those that have ECOSOC status are, in principle, allowed to be present as observers.

9. The representative was Karyn Kaplan. Countries objecting to her participation included Sudan, Syria, Pakistan, Malaysia, Iran, Libya, and Egypt.

unusual procedure in ECOSOC negotiations—that approved IGLHRC participation (Freitas, 2001).<sup>10</sup> Although the listing of most vulnerable groups was not retained, the overall content of the *Declaration of Commitment on HIV/AIDS - Global Crisis-Global Action* (United Nations, 2001a) finally proved to be far better than predicted.<sup>11</sup> As in the case of Cairo+5 and Beijing+5, this positive outcome resulted from efficient NGO advocacy efforts and a wise but firm leadership of the debate process on the part of the Secretary General's office.<sup>12</sup> However—different from Cairo, Beijing and the Plus Fives—the conflicts about sexuality that emerged in UNGASS did not remain confined to closed rooms, but were widely disseminated across the globe by the mainstream media (for example, on CNN, in the *New York Times*, *O Globo*, *Jornal do Brasil*, among others).

It is also useful to note that conflicts related to sexuality evolved, at the UN level, in a close and

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10. The same thing occurred in the context of the World Conference Against Racism, Racial Discrimination, Xenophobia and related forms of Intolerance. The *Jornal do Brasil* (August 9, 2001) informed that accreditation to international gay and lesbian networks had been definitely denied in the last Preparatory Committee meeting being held in Geneva, despite strong support from the Brazilian delegation.

11. Paragraph 64 reads as follows: “By 2003, develop and/or strengthen national strategies, policies and programmes, supported by regional and international initiatives, as appropriate, through a participatory approach, to promote and protect the health of those identifiable groups which currently have high or increasing rates of HIV infection or which public health information indicates are at greatest risk of and most vulnerable to new infection as indicated by such factors as the local history of the epidemic, poverty, sexual practices, drug using behaviour, livelihood, institutional location, disrupted social structures and population movements forced or otherwise.”

12. In Beijing+5, when the stalemate became evident, a group of global feminist networks requested an audience with Ms. Louise Frechette, Under Secretary General to express their concern that there would be no final document. This mobilized a clear investment on the part of high-level UN officers in contacting delegations and ambassadors to make the process move forward. In the case of the HIV/AIDS UNGASS the commitment of the Secretary General that the negotiation would not be a failure was made explicit throughout the process and most particularly in his key-note speech that strongly emphasizes non-discrimination and the human rights of PLWHA.

complex articulation with macroeconomic and geopolitical agendas.<sup>13</sup> Presently, a robust connection between sexuality and macro aspects of development is taking shape in a new formula that considers HIV/AIDS and other epidemics as Global Public Good issues (GPG). This has led to a new level of priority in UN programs and in the policy agenda of member states and international financial institutions, promising that new and additional financial resources will be invested in research, prevention, and treatment.<sup>14</sup> Most important, however, is to acknowledge that, despite great difficulties, progressive language on sexuality has gradually been adopted in United Nations documents.<sup>15</sup> Although no program of action or international treaty has yet explicitly included the terms “sexual rights” or “sexual orientation,”<sup>16</sup> the *Human Development Report 2000* (United Nations Development Programme [UNDP], 2000), which explores linkages between human rights and human

development, acknowledges sexual orientation as an unjustifiable ground for discrimination. In its various stages, the United Nations “sex saga” of the late twentieth and early twenty-first centuries should not be interpreted as a sideline debate fueled by extreme positions (Feminism vs. The Vatican or Gay Men vs. Jihad). It should be seen and valued as a reflection of the changing construction of sexuality (and sexualities) on a global level, within the rapid social change taking place in the “runaway world” of late capitalism (Giddens, 2000).

### The Global/Historical Context

Within the context of this short essay, it is, of course, impossible to go into extensive detail concerning the broader social, cultural, political, and economic contexts in which the discussion of sexuality and sexual rights present in the United Nations system and in related international arenas has taken shape.<sup>17</sup> Still, to even begin to make sense of these new debates within the international arena, it is important to highlight the extent to which the closing decades of the twentieth century and the beginning of the new millennium have been characterized by rapidly accelerating processes of change taking place on a global level (see, for example, Castells, 1996, 1997, 1998; Giddens, 1990, 1991, 2000; Held, McGrew, Goldblatt, & Perraton, 1999). A technological revolution has occurred, reshaping much of the material basis of society and transforming the means of communication between individuals, social groups, and interacting cultures. Economies around the globe have become interdependent, and the relationship between economy, society, and the nation state has consequently been transformed in a number of important ways. And, although it has perhaps received somewhat less attention than these technological and economic transformations, social change has been in many ways equally profound. Political systems and institutions have increasingly been wracked by successive crises of legitimacy. Longstanding traditions

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13. Since Cairo, feminist advocates have learned that to advance gender equality agendas at the UN level, it was necessary to smooth economic tensions between North and South (meaning the industrialized and the developing world). In Beijing+5 tensions related to the military hegemony of industrialized countries were added to the long standing North-South divide on economic issues, materializing in difficult debates on unilateral sanctions, military expenditure and arms control.

14. The concept of Global Public Goods (GPGs) was developed by a UNDP special task force as a strategy to re-conceptualize development cooperation. The concept gained visibility in two concurrent UN processes: the Financing for Development Conference (underway since 1999) and the HIV/AIDS - UNGASS (completed in June 2001). The High Level Panel established to advise “Financing for Development” strongly supports the concept defining as GPGs: the prevention and treatment of epidemics (especially HIV/AIDS); research on vaccines and tropical medicine; research and protection of biodiversity; global financial stability. The prevention and treatment of HIV/AIDS as a GPG is behind the creation of the Global FUND for HIV/AIDS, approved at UNGASS and an important issue on the agenda of the disastrous Genoa G8 meeting.

15. Besides paragraph 96 of FWCW POA, the ICPD Program of Action has a very positive mention.

16. The only exception is the European Human Rights Convention to which an amendment has been proposed to include sexual orientation in the paragraph concerning unjustifiable grounds of discrimination.

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17. For an excellent overview that is already available, however, see Dennis Altman’s book, *Global Sex*, Chicago and London: The University of Chicago Press, 2001.

of patriarchy have increasingly come under attack, and the traditional structure of gender relations has become increasingly contested. Fundamental redefinitions of the relations between men, women, and children have taken place, and accepted notions of the relationship between family and sexuality have fragmented, broken down, and been reinvented in societies around the world (see, in particular, the comparative analysis in Castells, 1997).

In a world characterized by seemingly uncontrolled and uncertain change, it is not surprising that there has been a search for reassurance through the resurgence of primary religious, ethnic, and national identities, and simultaneously that diverse forms of religious fundamentalism and political reaction have also emerged in societies around the globe. Indeed, far more than might have been imagined by the feminists who first proposed such a notion in the 1960s and 70s, the personal has in fact become political at the dawn of the new century, and many of the most profound struggles taking place in society today, everywhere around the world, revolve around the conflicting definitions of personal identity. The serious threats to the security and sustainability of social life posed by ethnic struggles, theocratic ambitions, or terrorist militias have received growing attention in recent years, and many of the same factors shape the increasingly problematic relationship between social and economic change and the transformation of sexuality and sexualities in cultures and countries around the world. At the end of the twentieth century and the beginning of the twenty-first century, these complex connections are linked in profound ways to broader issues of population dynamics, social justice, and human rights (Petchesky, 2000).

The forces that are involved in this changing construction of sexuality and sexualities in societies around the globe, and the ways in which such changes have intersected with broader political systems, are still only partially identified and understood—in part due to the relative conceptual difficulty of addressing questions of sexuality within the normative structures of traditional judicial systems, governmental and intergovernmental agencies, and political discourse. Yet the fact remains that sexual violence, oppression,

and discrimination are among the most complex threats to human security, health, and well-being today at virtually every level of society throughout the world: at the levels of the family, the neighborhood or community, and even the nation state, and as much in Africa, Asia, and Latin America as in North America or Western Europe. And the struggle for sexual rights, as waged by increasingly global social movements such as feminism, the gay and lesbian movement, the HIV/AIDS activist movement, and (even if at times somewhat grudgingly) the contemporary human rights movement, is among the most important forces of change in contemporary society, with key contributions to broader debates related to social development and human security in the contemporary world.

In short, sexuality has taken shape on a global level, particularly during the closing decades of the twentieth century, as a key contested domain or field of struggle. Whether at the local level or in international arenas such as the United Nations, sexuality and sexualities are being reformulated and reframed around the globe today. Highly “modern” sexualities are being constructed in societies throughout the world, just as diverse forms of fundamentalism and violence have been unleashed in response to such changes, combining today to make sexuality one of the key forms of social struggle and conflict at the turn of the century. Concrete examples of these struggles are almost endless (and endlessly reported in the modern transnational media), ranging from state-sanctioned imposition of gender hierarchy in Afghanistan to the persecution of homosexuality in Zimbabwe or Egypt, and to the political manipulation of sexual (mis)conduct in the United States (as during the Clinton/Lewinski scandal) and Malaysia (through accusations of homosexual behavior against Deputy Prime Minister Anwar Ibrahim). Yet the broader contours of such transformations can be found as well outside of or apart from the acrimonious manipulation of sexuality in formal political struggles or disputes (and the media sound bites that accompany them), in any number of more typically unnoticed processes of social and sexual change. These processes range from the trans-local movement of sexual traditions and systems of meaning across previously impermeable cultural and political borders, to the emergence of

feminist and lesbian and gay political movements outside their traditional base in the Anglo-European world, to the incorporation of conceptual frameworks related to gender, sexuality and sexual health within development discourse and practice, and to complex struggles around sexuality at both the local level (in disagreements about abortion, violence against the expression of sexual difference, and so on) and in debates at the level of the United Nations and international relations described above.

The debates evolving in the UN arena, like those found wherever we wish to look in the world scene more generally, suggest that a critical turning point has been reached with respect to a global democratic agenda regarding sexuality in the twenty-first century. Despite increasing tensions and deeper paradoxes, a consensus is emerging that human rights constitute an appropriate ethical foundation for addressing sexuality within the broader agenda of development. A major challenge of the twenty-first century is the reconstruction of existing social contracts. Within it, the re-invention of laws with respect to sexuality is urgently required because most national legal frames remain biased with regard to gender and sexual diversity, and this frequently results in discrimination and inequity. The creation of human rights conventions and treaties are therefore critical in two senses: first, because they can be seen as the preliminary frame for a global social contract regarding sexuality, and second, because they must be translated into national legislation whenever ratified by member states. They constitute a tool to transform local legal frames and social conditions.

### **Sexuality and Human Rights: Achievements, Gaps, and Remaining Dilemmas Moving Beyond the International Conference on Population and Development**

ICPD represented one important step towards a new approach to sexuality and rights. It transcended the primacy of disembodied and abstract principles of public good in order to privilege the entitlement of individuals in relation to procreation (which necessarily implies sexuality) and strongly supported gender equality. The ICPD POA also recommended

ethical consistency between ends and means in policy formulation (Bok, 1994) and established clear parameters to prevent abuses in program provision, health care, and scientific research. Having Amartya Sen's (1995) analysis as a reference, the ICPD in Cairo meant the abandonment of a long standing pessimistic and authoritarian perspective on population issues in favor of an optimistic and democratic (cooperative and voluntary) approach. This revived the trust expressed by Condorcet, the eighteenth century French philosopher, in the ability of people to make correct decisions about their personal lives and society at large, if they are enabled to do so (Sen, 1995).

However, the ICPD frame presents conceptual limitations to addressing more precisely the sexualities at play on the threshold of the Third Millennium. Its agreements—and suggestions for implementation—provide clarity and inspiration with respect to gender, sexual and reproductive health, and rights. In addition, they include the concept of “family” in its various forms, which is extremely valuable for the further development of rights in relation to sexuality.<sup>18</sup> ICPD and FWCW also mobilized intensive efforts to devise human rights strategies to address sexual and reproductive health issues (Cook et al., 2001). But, as we have seen in the previous sections, since Cairo, sexuality has increasingly been ignored in (or taken off) the reproductive health and rights agenda. Exactly for that reason, Beijing's sexual rights language has been extensively used by relevant institutions and social actors involved in ICPD implementation.<sup>19</sup> The

18. The ICPD concept of “family” in its various forms has also been systematically attacked by conservative forces in every occasion the theme of families and households appears in a United Nations document. Despite these attacks the Cairo formula has been constantly re-affirmed, including in the recently adopted “Declaration of Commitment on HIV/AIDS - Global Crisis - Global Action.”

19. The UNFPA Annual Population Report of 2000 explicitly uses the term. This move was so relevant that it mobilized an article in the *New York Times* (Croisette, 2000). International Planned Parenthood Federation has sponsored a CNN advertisement on the meanings of sexual rights. The Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM) has launched an initiative to formulate a regional convention on sexual and reproductive rights to be developed at the level of the Inter-American system of human rights (OAS).

recognition of this shift mobilized us in the dialogues evolving as part of our ongoing study of emerging conceptions of sexual rights to make a clear pledge that sexuality be extracted from under the umbrella of health and placed firmly within a rights frame, and further that sexual rights be distinguished from reproductive rights.

These conceptual endeavors are complex and face resistance from various quarters. At all levels, the conservative reactions to sexuality-related issues constantly push them back to the more acceptable (or at least more well-behaved) health agenda. In a similar scenario, the policy relevance achieved by HIV/AIDS also pressures for “sexual subjects” to remain contained in the disciplinary domains of biomedicine and epidemiology. The debates about the Beijing definition of sexual rights illustrate the difficulties that result from de-linking sexual and reproductive rights. Paragraph 96 starts with a general principle asserting women’s right to have control over and decide about matters related to their sexuality free of coercion, discrimination, and violence. The paragraph then unfolds into a formulation that restricts the scope of its meaning to heterosexual relationships.<sup>20</sup> The strength of the definition lies in the fact that it makes explicit the depth of gender inequality in the domain of sexuality (inequality which is greater than economic and legal inequality). Its weakness, in view of a broader agenda of sexuality and human rights, is the heterosexual imprint. The prevailing heterosexual and reproductive interpretation of the definition can be verified in the use (and abuse) of the concept as a means for achieving lower fertility and preventing unwanted pregnancies and sexually transmitted infections.

It is therefore not surprising that the Beijing agreement on sexual rights has been subject to much critique even from progressive quarters. Almost immediately after Beijing, Petchesky (2000) called attention to the fact that Paragraph 96 was constructed

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20. “Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behavior and its consequences” (Beijing Platform of Action, page 59).

in such a way that it tended to emphasize the victimization of women instead of more strongly pledging for women’s rights to sexual pleasure. Gay and lesbian scholars and activists have also targeted the Beijing language for its heterosexual bias. Yet in spite of its limitations, Paragraph 96 did have the unequivocal merit of placing the subject of sexual rights high on the human rights global agenda.

### **Specifying Meanings: Fragmented Efforts**

The contents of reproductive rights adopted in Cairo had been thoroughly processed in the previous decade within the international women’s movement, and also in its engagement with relevant institutions. Subsequently, the contents of women’s rights in matters relating to sexuality were also processed in the United Nations arena. This legitimization opened ground for a global debate on sexual rights in a broader sense. Since 1995, intellectual investments have been made to re-visit and clarify the meanings of sexual rights. Corrêa (1997) suggested that a better visualization of their contours and meanings required that gender and sexuality be viewed and examined as distinct domains of personal and social practices. In a later exercise, she reviewed the framework based on personhood, equality, body integrity, and diversity—originally conceptualized as a foundation for reproductive rights (Corrêa & Petchesky, 1994)—and identified potentially serious risks and dilemmas that appear when these principles are automatically applied to sexuality (Corrêa, 2001). Petchesky (2000) went further still, and entirely reconstructed the original framework. While the principles of personhood and diversity were retained, the right to sexual diversity was emphasized and the premise of gender equity and equality was integrated with personhood. Health and household diversity were also included to cover emerging rights related to protection against disease and detrimental practices as well (such as female genital mutilation [FGM]) in the domains of marital unions, inheritance, and pensions involving persons of the same sex.

Another important development was the adoption of human rights principles to address discrimination that affects people living with HIV/AIDS (PLWHA) as

well as their needs in terms of access to health care, drug treatment, and state and social support. Among other positive effects, this enhanced a deep semantic transformation with respect to so-called “risk groups” (Parker, 2000; Terto, 2000), which explains the conflicts reported in the HIV/AIDS UNGASS regarding the mention of sex workers, drug users, and MSM in the Final Declaration. Before the adoption of a human rights discourse in the late 1990s, these groups were basically classified as prostitutes, addicts, and inverts (in various popular jargons), terms that are still intensively used worldwide in order to stigmatize and discriminate.

Although positive, these intellectual and political efforts remain preliminary and fragmented. Feminists and lesbian activists involved in United Nations struggles have made important investments in the conceptual clarification of sexual rights. Particularly relevant are the initiatives developed by Cook and her colleagues (Cook, Dickens, Wilson, & Scarrow, 2001) and the Latin American and Caribbean Committee for the Defense of Women’s Rights (CLADEM) (2002) to identify definitions of sexual rights that are already enshrined in international instruments, and thereby to provide a solid ground for further conceptual development. The HIV/AIDS UNGASS in 2001 was the first experience of close involvement of gay men and PLWHA with a full United Nations negotiation.<sup>21</sup> But it is significant to note that, on this particular occasion, the feminist presence was relatively scarce (Freitas, 2001). Since 1994, gay and lesbian movements have become increasingly active and visible worldwide. However, except in relation to the HIV/AIDS agenda, gay communities for the most part do not participate actively and systematically within global human rights debates. Additionally, in many settings, gay and lesbian initiatives have increasingly devised many of their anti-

discrimination strategies through what might be described as a market-consumer approach, which does not leave much space for articulating rights, sexualities, and inequalities. Human rights thinkers and activists – except for feminists in the human rights movement – are rather absent from these debates, especially in countries where strong linkages exist with religious forces, particularly the Catholic Church. And in many countries, groups advocating for sexuality education and sexologists have often failed to be part of the sexual rights debate altogether.

This fragmentation is particularly worrisome in the face of the growing cohesion of conservative forces in their efforts to deter the enlargement of the human rights frame in relation to gender equality, abortion, and most principally, sexuality. It is, therefore, fundamental that all actors and sectors who work in theoretical, political, and research areas and issues that intersect with sexual subjects share a common space to further conceptualize the best frame for their efforts. Demography and demographers can and should contribute to this endeavor as well. The global demographic scenario of the next few decades will combine low fertility regimes with the permanence of high fertility in specific geographic areas and among specific groups. In both cases, the nexus(es) between gender, sexuality, household structures, and demographic outcomes will lose its salience. In addition, nothing indicates that the HIV/AIDS epidemic will be easily and rapidly contained. This means that demography will be involved in research and analysis of phenomena that cannot be fully understood if sexuality continues to be evaded. Last but not least, the concept of sexual rights made its global (and institutional) appearance in the context of a major population conference, which was characterized by an important shift from a previous emphasis on numbers alone to a frame that values the respect and promotion of human rights and fundamental freedoms.

### Back to Basics

The conceptualization of human rights in relation to sexuality requires the interweaving of theoretical strands that differ in crucial aspects. The human rights perspective values normative structures as tools for

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21. Before UNGASS these actors were predominantly engaged with the World Health Organization and UNAIDS. They were also very active in the International HIV/AIDS Conferences. However, the debates and negotiations that take place in these arenas cannot be equated with ECOSOC and General Assembly conditions, as in the latter the relative weight of governments is far greater, the effect on geopolitics is deeper, and the normative meaning of resulting agreements is clearer.



enhancing freedom and equality. It aims to fulfill the promises of the Enlightenment, to “complete the modern project.” It is deeply embedded in an ethos that constantly struggles with pre- and counter-modernity. Contemporary theories of sexuality, on the other hand, are strongly critical of normative discourses in their various manifestations: religious, juridical, and scientific. They constantly remind us that in taking for granted the “goodness” of the modern ethos, we may lose sight of the coercion, discrimination, and control deployed by modernity itself (Foucault, 1980).

Late twentieth century feminist investments to reframe rights and laws indicate, however, that such reframing is possible and may, in fact, be extremely productive. Gender—a conceptual tool that has strong affinities with contemporary sexuality theories—has been extensively and fruitfully used to transform the assumptions underlying legislation and international human rights frames. Despite these gains, efforts developed after 1995 to refine the contents and applications of sexual rights suggest that the dangers of legitimizing normative principles, in this case, are more palpable.

The clearest illustration of these risks is the previously mentioned legitimization of a definition of women’s human rights in the domain of sexuality (Paragraph 96 of the Beijing Platform of Action) that limits the scope of its application to women experiencing heterosexual intercourse within marriage. Although unintentionally—from the point of view of feminist voices directly involved—the definition as it is also excludes from its conceptual boundaries male and female homosexual practices and commercial sex. These exclusions reiterate stigma, discrimination, and eventually, even criminalization. One lesson learned from the so-called “Beijing consensus” is therefore that greater conceptual clarity and ethical and political precaution is required from now on in order to prevent distortions or limitations in the scope of sexual rights contents that can become crystallized in international and national normative frames.

### **Universality of Sexual Rights: How to Move Forward**

Cultural relativity is a recurrent argument against human rights, in particular when rights in the domain of sexuality are at stake—one need only think of the arguments that have been made in favor of FGM as a concrete example of this tendency. Consequently, inquiries on the universality of human rights are extremely relevant for our objectives. Cervantes (in Rojas, 2000, 2001) identifies four major currents regarding the validity of universal human rights:

- The moral perspective recognizes that debate continues on whether or not human rights are morally necessary or good but itself strongly affirms the assertion that human rights are good and necessary and should be universally accepted.
- A second strand searches for a philosophical basis that would provide validity for the premise of universality. Within this strand there are essentialists who base their inquiry on what is intrinsic to the human condition and there are other theorists who ask what social conditions give rise to particular patterns and what may lead to universal characteristics.
- The practical political perspective argues that human rights are relevant and universal insofar as they are internationally accepted and subsequently disseminated.
- The procedural approach questions what makes a discourse universal. It emphasizes a Habermasian perspective based on the use of coalitions and consensus building. For these theorists the problem does not lie in the content of human rights agreements, but in the process through which the agreements are reached. They believe that to the extent that human rights are constructed or derived from an open, reciprocal, and communicative discourse, they may be considered universal.

Actors involved in the advocacy for sexual rights have in fact been using several of these strands. The moral and essentialist perspectives are not very

influential among actors involved in the struggle for sexual rights. However, they are extremely relevant even though not hegemonic within the human rights field itself. This means that in dialoguing with the human rights mainstream, sexual rights advocates and researchers will be challenged to critically engage with absolutist positions—and it is not exactly easy to defend the legitimacy of sexual rights when starting from an essentialist position on human beings and sexuality.

On the other hand, the search for social conditions as the foundation for the universality of sexual rights started somehow to be explored in recent years. The basic idea implied is that human rights are required to be established in order to redress inequality and discrimination. Based on that premise, some voices propose that the best way to consolidate sexual rights would be to make use of the notion of minority rights, which is already widely enshrined in international legal instruments and widely accepted across the globe. This strategy is, in our view, limited and risky. It is not a simple and mechanic transposition from minorities rights—based on social, cultural, and religious arguments and values—that will resolve the complexities ingrained in the efforts to apply the human rights frame to the fluid and volatile domain of sexuality. In fact, at this stage of the debate it is necessary to further explore the intersections between sexualities and minorities rather than simply to define sexual subjects on the basis of acknowledged minority rights. In addition, as we know, the interaction between minority rights (particularly the right of religious freedom) and progressive approaches to human rights and sexuality is more often one of conflict than of affinity.

It is fair to say, however, that most actors are utilizing the procedural approach, even if they are not fully aware of it. The majority of voices active in this field of debate fundamentally conceive sexual rights as a discursive strategy to enhance the potential of individuals in relation to the state (and the market), concurrently creating multiple “spaces” in which the very meanings of sexual rights can be constantly refined and re-defined. But within the field some important sectors, including many feminists, have invested in defining sexual rights as state obligations (perfect duties), efforts that are clearly aligned with the

political-pragmatic perspective. Among them, the best known and most valuable work has been performed by Rebecca Cook and her group at the University of Toronto, and by CLADEM, which in fact is proposing the formulation of an Inter-American Convention on Sexual and Reproductive Rights. This patchwork scenario suggests that a clarification of strategies is a critical item in an agenda for the future. Or, to put it differently, what would be the best way to address and further process the potential universality of sexual rights?

In light of the premises implied in twentieth century theories of sexuality—premises that utilize discourse analysis and criticize the natural and neutral conception of “law”—the procedural perspective appears to be the best choice, because it clearly converges with the emphasis on plural public spheres and on the situatedness of moral debates advocated by some authors as ground requisites to further advance the sexual rights agenda (Fraser, 1997; Plummer, 2000). In addition, it allows the capturing and valuing of local (contextual) meanings of sexuality. However, does the preference for the procedural approach automatically exclude other pathways?

The history of Paragraph 96 in FWCW once again provides some interesting insights in relation to the complexities of constructing sexual rights and, in particular, the question of what human rights strand is the more appropriate in order to move forward. The Beijing process of debate leads to another crucial interrogation. Who participated in the consensus building and how has it been achieved? In responding to this question, we will find that not all interested subjects were involved—just the feminists (and sectors of the lesbian movement). The heterosexual/heterosexist imprint of the Paragraph was not inherent in the language originally proposed by feminists, but resulted from the conditions prevailing in the negotiations (they achieved what was politically possible to achieve). This type of “accident” is not uncommon when progressive proposals move from the margin to the center of normative struggles. This brief assessment indicates that the processes through which consensus concerning sexual rights agreements are reached is as important as their contents.

On the other hand, the energy spent by moral

conservative forces to destroy the Beijing consensus on women's human rights in the domains of sexuality five years later, at the time of the Beijing+5 assessment, indicates that, despite its flaws, Paragraph 96 is still a strategic *champ de force* in which the meanings of sexual rights are being contested. This means, given the current political climate, it does not seem wise to entirely abandon the political-pragmatic perspective. Consecrated international human rights language can function as a well-placed anchor for both change and resistance. Having in mind the rule of ethico-political precaution, it is vital, however, that a greater plurality of voices and spheres be involved in the consensus-building process that precedes legitimization. In addition, the struggle for new formal definitions of human rights should not be seen as the end in and of itself. Rather, this struggle should be perceived as a continuous possibility of creating critical moments of change within the longer-term process of constructing a universal discourse of sexual rights.

A combined approach to achieving sexual rights that uses both the procedural and the political-pragmatic perspectives can also inspire the re-visiting of human rights principles that have previously been articulated to gradually establish a conceptual (normative) basis for entitlements in relation to sexuality. This list would encompass principles that are fully enshrined in international instruments, such as the general premises of freedom, non-discrimination, equality, equal treatment under the law, right to privacy, and safety of the person which were laid down by The Universal Declaration of Human Rights in 1948, and extensively reaffirmed in subsequent conventions and treaties. Given the structural meaning of gender inequality in the domain of sexuality it is also necessary to include the various definitions concerning the human rights of women adopted in international statements of human rights such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979 and the Vienna Declaration and Program of Action from the World Conference on Human Rights in 1993. These enshrined principles unfold into more precise and detailed definitions at the level of conventions, covenants, and treaties. Exactly for that reason, the efforts of Cook and CLADEM are crucial contributions for the work ahead. In addition,

there are non-binding references that also provide ethical ground for the further development of sexual rights. These include: the premises of personhood and diversity originally developed to conceptualize reproductive rights;<sup>22</sup> the absence of fear and the ability to be able to appear in public without shame that are emphasized by the *Human Development Report 2000* (UNDP, 2000); and last but not least the core content of the Beijing sexual rights language: freedom from coercion, discrimination, and violence in matters relating to sexuality.

Theoretically, the consistent articulation of these various principles, premises, and definitions provides a robust frame to address the multiple dimensions implied in the proposal for rights in the domain of sexuality. Nevertheless, thorny conceptual and political issues remain in relation to their interpretation and application, as well as regarding common strategies for moving this agenda forward.

### Negative and Positive Rights

In conceptualizing sexual rights it is also necessary to clarify the implications of such rights. Do they mean full legal protection, with the risk of paternalism and intrusion? Or, on the contrary, do they fundamentally imply the right to privacy and intimacy, which in many circumstances increases the vulnerability of those less empowered in sexual matters? Or, instead of these two options, is the conceptualization of sexual rights to be viewed as a discursive platform for processing conflicts in relation to existing rights, in other words, as a political framework for creating the conditions for people themselves to be the subjects of their sexual rights?

In 1983, Brazilian feminist groups from the Northeast region drafted a statement calling for a national women's health policy to respond to women's needs and aspirations not just as mothers but also as full persons and citizens. The document pledged to work for the recognition of sexuality as a domain in

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22. Given the pledge that sexuality should be brought out from under the umbrella of health, health-related international normative language will not be included here.

which women were discriminated and harmed. The last paragraph of the statement, however, raised a concern as to whether or not this recognition would imply that women's sexuality would be regulated by an authoritarian military state. Twenty years later, the challenge of defining the boundaries of rights and duties in relation to sexuality has not been fully resolved. In the Mexico Seminar held in October 2000, it became clear that while many view sexual rights as a legal instrument defining the state's obligations, a great deal of fear of, and resistance to, possible interference from other agents into one's sexuality remains. As Cervantes clearly asked: "How far are we prepared to open the doors to private affairs for public discussion and regulation?" (Rojas, 2000).

This is one of the thorniest conceptual problems in the sexual rights debate because it requires the review of consecrated progressive premises with respect to the public/private divide. It is relatively simple to visualize sexual prerogatives as negative rights—for example, as the basis for equal treatment under the law and for protection from fear and abuse, even when fear and abuse occur in the private sphere. These premises are strongly legitimized in the international human rights agenda, particularly with regard to gender-based sexual violence. The "violation approach" has currently expanded beyond gender to directly address violations of human rights of "sexual dissidents," with the best illustration being the 2001 Amnesty International Global Report *Crimes of Hate, Conspiracy of Silence—Torture and Ill Treatment Based on Sexual Identity* (Amnesty International, 2001). In fact, a major concern regarding what has already been achieved in establishing protections for women's "sex-related" human rights is that the effective implementation of such measures must by definition challenge a rigid and persistent public/private distinction in international human rights law and national legal systems.

Consequently, the framing of a positive approach to sexual rights that will ensure more than protection against harm and the achievement of the highest standard of health requires the re-thinking of private/public boundaries. On the one hand, it is crucial to retain the call for full disclosure of the private sphere as a locus of sexual violence and abuse, as much remains to be done in terms of prevention, protection,

and enforcement. Following the analysis developed by Claudia Hinojosa in the same seminar, we should perhaps now acknowledge that the sexual rights debate has matured enough to begin to openly advocate for sexuality as a practice of freedom, as a legitimate domain for the search for pleasure or a loving form of communication based on equality, responsibility and choice (in Rojas, 2000). Marta Lamas (1999) underlines that sexuality is not just discourse and practice but also desire. If these are to be considered un-negotiable meanings of sexual rights, the challenge ahead is to devise conceptual definitions and political strategies that will effectively prevent and punish sexual abuses that occur in the private domain and, at the same time, enhance the possibility of pleasurable sexual experiences in privacy and intimacy.

In light of these requirements, questions can be raised in relation to both if and what normative rules may be useful in order to achieve these objectives. Petchesky's (2000) formulation of a household diversity principle is certainly a relevant contribution in that direction. This principle presupposes that families, in their various forms, are entitled to equal treatment under the law (negative right), but it also implies positive normative measures that ensure state and social support, such as entitlements to inheritance, and access to education, health, and social security, as well as prevention and protection against sexual violence and abuse. The question of what other critical areas in relation to sexuality and sexual rights can be addressed through a similar lens remains to be answered.

Although a number of debates among researchers and activists that we have organized as part of our ongoing study of these issues have failed to provide a clear response to this question, much has been said about the cultural and social transformation that is needed to enhance, at the subjective, household, community, and institutional levels, a deeper sense of entitlement and responsibility in relation to sexuality. Furthermore, the recognition that the punishment of "sexual violations" may play an exemplary role in transforming understanding about some sexual concerns is accompanied by the awareness that other strategies must be devised to overcome the "terror of difference" that underlies homophobia, misogyny,

discrimination, and intolerance. Careaga (2001) underlines the weight of the private sphere in creating the terror of difference by reminding us that homophobia is a form of exclusion and discrimination that is always initiated at the micro level of families, schools, and even friendships. This means that the relational imprint of what happens in privacy and in intimate relations must constantly be highlighted and that sexual rights must not be exclusively conceived of as prerogatives of isolated individuals (Corrêa and Petchesky, 1994; Petchesky, 2000). Visualizing sexual rights as a relational concept requires, in addition, the identification of correlated duties, which will not exclusively derive from what one does (individual responsibility), but are required instead because what happens to others, even in private, is no longer a matter of indifference.<sup>23</sup>

Within this framework, the question of difference, together with the moral and ethical rejection of indifference, become key axes in the articulation of both gender and sexuality, including both reproductive *and* sexual rights. Indeed, one of the key conceptual challenges for the future, we would argue, will be to draw on recent advances in gender and sexuality theory in order to build a fuller understanding of both the analytic distinctions between these domains as well as the political intersections that must be constructed between them in building a broader coalition for progressive political transformation in relation to issues of gender and sexuality.

In reviewing both the accomplishments and the limitations of feminist and gay and lesbian agendas during the closing decades of the twentieth century, it is impossible not to be impressed by the extent to which the feminist movement has helped to advance the conceptualization of gender and reproductive rights without adequately incorporating issues of sexuality, while at the same time the gay and lesbian movements have successfully problematized sexuality and sexual rights without sufficiently confronting issues of gender

23. Inspired by that framework, Cervantes, in fact, proposes that a notion of “relational or social responsibility” be further explored to enrich the debate on justice, freedom and boundaries that constantly emerges in efforts aimed at more precisely defining what sexual rights are (in Rojas, 2000).

oppression and reproductive freedom. To effectively move from negative to positive conceptions of rights related to both gender and sexuality and to effectively respond to the conservative forces aligned against such advances will clearly require a radical reconsideration of these issues, both at the conceptual level and in terms of political strategies and practices. This re-visioning is essential as we move forward in the twenty-first century if we are to succeed in building a political platform capable not only of truly respecting difference but also of fully rejecting indifference, while at the same time recognizing the importance of both identity and solidarity.

### Sexuality, Inequality, Freedom

A third cluster of inquiry concerns the articulation between sexuality, inequality, and freedom. In the years preceding Cairo, within the feminist field much had been debated about the relevance and meaning of reproductive rights in developing regions—and among marginalized groups in affluent societies—where the ability of women to freely decide their reproductive choices is primarily curtailed by socio-economic constraints. At the conceptual level, this problem has been solved by defining that the full exercise of reproductive rights is dependent upon an enabling environment that includes democratic conditions, women’s empowerment, and material support, such as transportation, childcare, jobs, and education. This framework, which is consistent with the principle of indivisibility of human rights adopted in Vienna, can and should be applied in the conceptual development of sexual rights as well.<sup>24</sup>

Having in mind the enabling environment framework, it should be said that important steps have been made recently with respect to human rights in relation to HIV/AIDS. In April 2001, the United

24. The principle of indivisibility implies the articulation between civil, political, social, and economic rights. It must be said, however, that since Vienna and Cairo, gender, class, race, ethnic, and caste inequalities have not diminished, in fact in many contexts they have deepened. Conditions prevailing in most countries demonstrate that much remains to be done as to effectively implement the principle of indivisibility of human rights in relation to most dimensions of social life.

Nations Commission on Human Rights approved a resolution defining HIV/AIDS as a human rights and humanitarian issue. The Declaration of Commitment adopted at the HIV/AIDS UNGASS in June 2001 combines strong recommendations against discrimination with measures aimed at ensuring support, care, and treatment for persons with HIV/AIDS (United Nations, 2001a). However, given the ideology still prevailing in global debates, it is much easier to legitimize connections between health and equality/equity than to construct and legitimize linkages between sexuality, inequality, and freedom. The UNGASS agreements have been possible, despite harsh controversies, because they have been framed to fit into an agenda that articulates human rights, poverty reduction, and the resolution of a global public health crisis. The appeal of such an agenda is illustrated by a formulation in the Report of the High Level Panel on Financing for Development (United Nations, 2001b), which reads as follows: "In the global village, someone's poverty very soon becomes one's own problem: of lack of markets for one's products, illegal immigration, pollution, contagious diseases, insecurities, fanaticism, terrorism" (p. 13). In light of this dominant mindset, it seems fair to say that it is not a trivial task to openly advocate for a global environment that would be enabling for "erotic justice" (Rubin, 1984).

In the Mexico Seminar, Hinojosa (in Rojas 2000) called attention to the false dilemma between the "seriousness" of the problem of poverty and the "frivolity" of sexuality. Within this prevailing view, sexuality-related problems are seen as irrelevant, as they would exclusively affect minorities. To overcome this dichotomy Hinojosa calls for better documentation of links that too often remain invisible, such as those between sexual exclusion and poverty, economic deprivation and sexual violence, compulsory heterosexuality and homophobia, and hegemonic masculinity and various forms of violence. Along the same line, during the seminar Mejía and Lamas emphasized the need to better define and conduct further research about the topics of "sexual misery" and "sexual needs," which cannot be seen as the problem of only a few, but in fact affect the large majority of women (and also men) (in Rojas, 2000). These efforts

must include renewed approaches to old issues such as sex work, sex trafficking, impotence, frigidity, and child abuse.

Altman (2001), drawing on Nancy Fraser's (1997) theoretical framework, delineates injustices of distribution and injustices of recognition as a critical tool to move forward in the sexual rights debates because "it goes beyond the crude idea that we need to choose between distributive and identity politics" (Altman, 2001, p. 36). Fraser argues that the redressing of social and economic inequality requires political-economic restructuring, while the justice of recognition is dependent upon cultural or symbolic change: "It [the justice of recognition] could also involve recognizing and possibly valorizing cultural diversity. More radically still, it could involve the whole scale transformation of societal patterns of representation, interpretation, and communication in ways that would change *everybody's* sense of self" (Fraser, 1997, as cited in Altman, 2001, p. 36). This formula implicitly raises another important element for articulating sexual and social justice: the core notion of freedom, which, however, is not always as strongly emphasized as it should be in the sexual rights debate.

The absence of strong references to freedom in the current sexual rights debates can be partially explained by the impact of HIV/AIDS, which has moved the "sex liberation" agenda of the 1960s and 1970s towards a focus on "sexual risk." A related reason explaining this absence derives from the conception of sexuality in the sexual liberation agenda as a vital, uncontrollable, and troubling force. Such a conception does not encourage the development of prerogatives and entitlements in relation to a sphere of human life that is so entirely over determined. Concurrently, distrust in relation to freedom can be also clearly identified in the social justice field. The contemporary debate about poverty and inequality by and large reiterates the nineteenth century Marxist critique of formal liberties: freedom has little value for those who live in poverty. This imprint helps to explain the frequent disconnect between sexual politics and the left, particularly in developing countries.

Nevertheless, in the dialogues that have taken place in our research program, many voices have argued that the conceptualization of sexuality as a

practice of freedom, in fact, contribute to deconstructing essentialist assumptions about sex, and even more important, to establishing new ethical frames in relation to sexual rights. Moreover, it is important to call attention to the fact that new inroads have been made with respect to viewing freedom as both a prerequisite for and an objective of social and economic justice. Amartya Sen (1999), a major contributor to the development of theory in this area, moved beyond the conventional understanding of freedom as political liberty in order to reconsider it also as empowerment. In Sen's view, empowerment means greater individual and collective autonomy that requires opportunities that contribute to development in its broadest sense and also serves to enlarge freedom in the public sphere. Similarly, the *Human Development Report 2000* (UNDP, 2000) describes various types of freedom in relation to sustainable livelihoods: for example, freedom from want, freedom for the realization of one's full potential, and freedom from fear with no threats to personal security. These expanded notions of freedom can be fruitfully explored in the further refinement of sexual rights.

Compelling examples of the relevance of freedom for a sexual rights agenda are already available. In various countries, such as many in Latin America, democratization favored a public debate on gender and sexual discrimination that mobilized symbolic and cultural transformation, legal reforms, and the formulation of relevant social policies. For example, the Brazilian HIV/AIDS policy would never be the success story that it has become if it were not for the existence and expansion of a democratic public sphere allowing for freedom of organization and expression from all sectors affected by the epidemic: users of blood transfusions, gay men, sex workers, transvestites, drug users, and so on. Such a wide and sustained effort in a civil society to improve the state's response and to persistently denounce discrimination would never have been possible under authoritarian political conditions (see Parker, 2003).

Another striking illustration is provided by the findings of a qualitative study sponsored by UNDP, in Rio de Janeiro in the year 2000. The research aimed at collecting the perceptions of the population in Rio in relation to dimensions relevant to human development,

such as: social stratification, causes and consequences of poverty and wealth, violence, and gender relations. A total of 850 persons were recruited in both poor and rich neighborhoods and were then placed in focus groups based on sex and age (defined as old, adult, and young for both women and men). The list of contents originally offered to mobilize the conversation about gender did not include any explicit reference to sexuality. However, sexual matters emerged in the very first group when adult women from a slum area were debating power relations in the household. One of the participants said: "Presently, the only thing that remains for the men to decide is having sex, that is to say, to decide about their own, because it is not possible anymore for them to have sex if we do not want to do it" (Corrêa, Novães, & Mello, 2001). From there on the subject of sexuality would appear in most focus group discussions revolving around three major themes: pleasure, betrayal, and homosexuality.

In the perceptions of focal group participants—who were both male and female—the right to sexual pleasure was often viewed as men's prerogative, but most principally as a strong sign of the success of the "women's revolution" of the last two decades. Betrayal and homosexuality, on the other hand, appeared with contradictory meanings. Betrayal by women was mentioned by a few participants as another important sign of women's greater sexual freedom. But many voices identified female betrayal as a common cause of gender-based violence. Male betrayal, in contrast, was systematically viewed by men as a "normal fact of life" and by women as an expression of violence, abuse, and abandonment. Most importantly, the discourse on homosexuality ranged widely. At one extreme, blatant homophobia was recurrent among older men and women across all social strata. At the other end of the spectrum, homosexuality was identified—particularly among youths living in slum areas—as an unjustifiable cause of inequality and discrimination. As peculiar as the Brazilian sexual culture may be (Parker, 1991), this recent exercise suggests that there is much room for research aimed at further clarifying the links between sexual needs, sexual freedom, and human development.

However, the *Human Development Report 2000* (UNDP, 2000)—which is devoted to establishing

linkages between human development and human rights—does not sufficiently examine these connections. Although, as mentioned before, sexual orientation is cited as an unjustifiable basis for discrimination, no further and wider implications unfold from this acknowledgment. For instance, as can be seen in the statement quoted below, sexuality-related violence is not explicitly mentioned in the list of situations to which the principle of freedom from fear can and should be applied:

No other aspect of human security is so vital as security from physical violence. But in poor nations and rich, people's lives are threatened by violence—in several forms: threats from the state (physical torture, arbitrary arrest and detention); threats from other states (war, support for oppressive regimes); threats from other groups of people (ethnic conflicts, crime, street violence); threats directed at women (rape, domestic violence); threats directed at children (child abuse). (p. 34)

This omission has started to be corrected by recent efforts to document violations by states of the human rights of gays, lesbians, and other sexual minorities.<sup>25</sup> But further steps are still needed for the bridge to be completed, such as a consistent assessment of positive economic and social impacts of freedom from coercion, discrimination, and violence in sexual matters. The final aim of such an exercise is a clearer definition of human security in relation to sexuality that combines the premises of freedom and safety of the person with basic parameters of human safety (such as those underlying the concept of food security). The need for this conceptual breakthrough becomes increasingly relevant in light of the current global sex scenario. The world of runaway global capitalism in the twenty-first century favors, on the one hand, a market-consumer frame to legitimize entitlements to sexual diversity. On the other, it intensifies complex threats to human security that derive from sexual violence, oppression, and discrimination. Such threats affect a majority of persons and groups that will not easily benefit from a

25. The best known example is the Amnesty Global Report on Torture and Sexual Identity (Amnesty International, 2001). But there is also a wide range of national initiatives reporting abuses. For an overview, see [www.iglhrc.org](http://www.iglhrc.org).

market-consumer approach to sexual rights.

### **Challenges for Demography: Epistemology, Methods, and Research Agendas**

Given the various concerns that we have outlined here, and which we think will continue to have major impact upon the field of population studies in the foreseeable future, in the final section of this paper we will consider some of the implications of the issues we have raised for the fields of demography and population studies. In particular, we would like to call attention to the ways in which the reframing of historical debates on ethics and demography will impact epistemology, research methods, and research agendas as we move into the new millennium. While these insights are still preliminary and can only be developed further through an ongoing process of collective dialogue and debate, we would like to suggest that they are among the most urgent problems we face in the intellectual and political arenas.

#### ***Epistemological Challenges (or, The Challenges of Knowledge and Power)***

First, before moving any further, we would like to draw attention to the urgent need for a profound re-examination, in light of recent historical developments, of the epistemological bases of demographic thinking – and, perhaps above all, of the relationships between knowledge and power that permeate the field of demography. In light of Michel Foucault's analysis in *The History of Sexuality* (1980), originally published nearly 30 years ago, it is hard to believe that this re-examination has not already taken place in more profound ways than seems to have been the case. In particular, we would like to draw attention to the role of demography, over time, in creating the centrality of heterosexuality (or, perhaps better, following Adrienne Rich's [1999] usage, "compulsory heterosexuality") in the discourse on human development. While the familiar figures of Foucault's history (the Malthusian couple, the masturbating child, the perverse homosexual, and so on) were all fixed in Western discourse long before the emergence and development of demography as a distinct disciplinary frame,



demography has nonetheless been crucially important to the importation of these figures into the discursive tropes of contemporary development discourse. Such tropes include the fertile (or infertile) couples of population-based surveys, the hormonal explosions of adolescent intervention targets, the epidemiological risk groups of HIV-positive homosexuals, the transmission vectors of female commercial sex workers, and most recently, the unruly testosterone levels in men that seem to suggest the possibility for more docile forms of male involvement!

While our language is intentionally a bit tongue in cheek here, the underlying point is highly serious. To the extent that demography has traditionally constructed itself as, simultaneously, both objective and utilitarian, that is, as a scientific toolkit capable of providing the basis for practical interventions in the field of population, its role in crystallizing many of the key symbolic structures and social representations that have been employed in the service not only of gender oppression but also of diverse forms of sexual exploitation and discrimination has been profound. To the extent that demographic thinking has often unwittingly contributed to the forms of “biopower”—in Foucault’s (1980) classic sense not of the power to inflict death but rather of the power to control life—it has also necessarily positioned itself as diametrically opposed to the projects of resistance that the social movements most clearly associated with struggles for sexual rights in recent years have so clearly articulated.

To even begin to re-examine these relationships, however, will require demographic thinking to open itself up to a degree of epistemological doubt that has thus far been highly uncharacteristic of the discipline (or, for that matter, of the field of population studies more broadly). Such epistemological doubt, in turn, will necessarily call into question much of the utilitarian basis that has made demography a useful tool within the broader field (and the often colonizing project) of development. Stripped of its utility, demography would in turn run the risk of jeopardizing its own perpetuation—a risky venture, to say the least, that only the bravest and most critical demographic thinkers are likely to have the courage to confront.

Yet for those brave enough to accept the challenge, we would argue, it is perhaps in this epistemological

review that demographic thinking may ultimately be able to find its way out of the previous century and into the present. Constructed in the crucible of what might be described as high modernity, in the post-World War II era with its hope that the industrial revolution might be extended to all corners of the globe, demographic thinking must seek to re-invent itself today in the vastly different terrain of late-modern or post-modern, globalized, informational capitalism—within the circumstances that have made personal identity a focus of political action and sexuality the subject of ethics and rights around the world. Throughout the social sciences, such changing circumstances have called into question epistemologies of objectivity. If such epistemological doubt has shaken more than a few social science disciplines to the very core, there is no reason to think that demography will be exempt. Yet if it is courageous enough to accept the challenge—to seek to construct not only an epistemology of objectivity, but also what might be described, following writers such as Richard Rorty (1989) or Jurandir Freire Costa (1994), as an epistemology of solidarity—then demographic thinking might also be able to embrace the broader process of social transformation that the struggle for sexual rights (whether at the community, national or international levels) so clearly implies.

### **Methods**

If the thorny dilemmas of epistemological doubt constitute, in our opinion, a major (and still largely unmet) challenge for demographic thinking in the twenty-first century, the methodological toolkit that has dominated the discipline (in large part as a consequence of its previous epistemological orientation), can be identified as a second important area of concern. Indeed, there has been much discussion of the fact that demography’s traditional focus on fertility and reproductive relations, as opposed to sexuality and sexual practice more broadly defined, has seriously limited the ability of the discipline to adequately address the full range of sexual conduct found in diverse societies and cultures. Yet even as the topical focus of traditional demographic studies has broadened to embrace sexuality more broadly defined, the methodological approaches, and the underlying

assumptions about the biomedical (as opposed to social) roots of sexual desire, have often placed serious limits on the range of interpretive frameworks that are used to make sense of sexual experience.

Over the course of the past decade and a half, particularly in response to the rapidly emerging HIV/AIDS pandemic as well as to the more long-term preoccupation with questions of population and reproductive health, research on sexuality and sexual behavior has increasingly become an important priority for a variety of different social actors and institutions. At the same time, however, much of the research that has been carried out in relation to HIV/AIDS, as well as in response to issues of population, fertility, and reproductive health, has largely been based on the biomedical model of human sexual response. Rarely have those theoretical and methodological approaches that traditionally characterize the behavioral sciences been used, especially in the field of public health more broadly. Sexuality has generally been understood as a universal physiological drive, rooted in our shared biology (or, at times, psychology) as human beings, and hence measurable and analyzable in accord with the basic precepts of a positivist science of human behavior (see Parker, 2000; Parker & Aggleton, 1999; Parker & Gagnon, 1995).

Given the dominance of such an approach, it is perhaps not surprising that the vast majority of the studies related to sexuality, even in the very recent past, have focused heavily on survey research aimed at documenting sexual attitudes and behaviors in different settings. Particularly in the late-1980s, such studies sought to respond to the urgent need for information on the most basic aspects of sexual conduct in different social contexts. They aimed to collect quantitative data on issues such as numbers of sexual partners, criteria for partner selection, the prevalence of sexually transmitted diseases, the use of different contraceptive methods, beliefs about fertility and reproduction, attitudes toward HIV infection and AIDS, and a range of similar topics. These studies sought to offer new insight into the dynamics of reproductive health and HIV or other sexually transmitted infections in different social settings largely by documenting the statistical frequency of behaviors linked to human reproduction and the risk of

disease transmission (see, for example, Carballo, Cleland, Caraël, & Albrecht, 1989; Chouinard & Albert, 1989; Parker, Barbosa, & Aggleton, 2000; Turner, Miller, & Moses, 1989).

Another important dimension concerns the typical units of demographic research and analysis that have generally been reproduced in the investigation of sexuality: the individual, the household, and the country. The limitations of focusing exclusively on the individual have been evidenced even in the case of fertility surveys and analyses. Most feminist anthropological research on reproductive decisions and fertility outcomes emphasizes the contextual and relational “nature” of these phenomena, which can never adequately be captured by research that focuses only on individual women (Petchesky & Judd, 1999). After ICPD, demographic and health surveys have moved forward a bit by including men in their samples in some countries. Although positive, this addition is not enough in terms of the required reframing of units of analysis, and has largely failed to incorporate the insights of social science disciplines such as anthropology, which have increasingly called attention to the importance of sexual cultures and the broader sociocultural context in which sexuality is constituted or constructed (Parker & Aggleton, 1999; Parker & Gagnon, 1995; Vance, 1991).

Drawing on such insights, researchers more closely aligned with both the feminist and the gay and lesbian movements have increasingly argued for changing both the methodological approaches and the analytic lenses that have dominated traditional demographic thinking. In what has become almost a mantra (but for the most part has not yet been adequately incorporated into demographic research practice), such researchers have explained that understanding of reproductive dynamics in specific settings requires qualitative data to complement and confirm quantitative findings. Contexts and relationality, together with subjective and inter-subjective meanings, are even more critical in the case of sexuality research.

The term “household” also requires further explanation. On the one hand, it is very positive to observe that the heterogeneity of households is gaining relevance and visibility in demographic discourse. On

the other, particularly in the case of fertility and health research and analysis, the imagery/assumption of the household as the main place where sex (of the procreative couple) takes place is still very strong, a construction that is easily transported to sexuality research. Qualitative research indicates, however, that sexual interactions are not confined to a couple's bedroom. They can occur anywhere: at home, in the streets, at the workplace. The concepts of networks and spatial dynamics are much more appropriate than fixed units to capture sexualities at play, even when the major focus of analysis would be fertility outcomes (the fact that not all "mothers" have become pregnant in the couple's bedroom is something that many demographers have not yet grasped).

The country (or nation state), which is assumed to be the most important unit of demographic analysis, is also a problematic one when the subject under examination is sexuality. Large aggregates can provide relevant insights in terms of demographic and epidemiological dynamics, but they do not lead to linear correlations with sexuality practices, meanings, and trends. The demographic aggregate description of country has a strong appeal for crystallizing the image of a "national sexual pattern," which almost never fits with the realities of sexualities at the individual level. As in the case of the household, the unit of "the country" does not permit researchers to describe and analyze sexual flows (linked to migration) that increasingly cross borders.

These flows can, of course, be partially captured in migration studies. However, only very recently—resulting from the discourse of the global human traffic debate and from concern about the globalization of gay, lesbian, and other alternative sexual identities—have the sexual dimensions of migration been given more visibility. In these studies, however, negative descriptions of sexuality that see it as a factor that can be used to explain harmful demographic phenomena, such as victimization and imperialism, tend to prevail. Much less attention has been given to positive factors for sexual migration such as aspirations for greater sexual freedom and less discrimination, the search for new forms of pleasure, attempts to reinvent one's sexual identity, or the desire to be part of a sexual community (Altman, 2001; Parker 1999). Equally

important is to acknowledge that sexuality flows in the "runaway world" (Giddens, 2000) of the globalized era are not exclusively carried by people themselves—on the contrary, they move as images across the globe, creating an avalanche of paradoxes between practices, norms, imaginations, and aspirations. How can demography assess these dynamics? Some studies that focus on the impact of media on fertility (Potter, 1998) serve as good points of entry. However, it will always be much more difficult to grasp and measure the impact of these flows in sexuality because there are rarely clear outcomes that can be assessed.

The key transformation that will provide a true breakthrough in relation to the study of sexuality within demographic research, however, may not result either from moving from quantitative to qualitative research, or even from opening the frames and units of analysis that have typically dominated the field, but rather from overcoming the profound difficulties involved in truly measuring what might be described as positive sexual transformations. It is much easier to measure unwanted pregnancy, unmet contraceptive need, cases of HIV infection or AIDS, maternal mortality, and even abortion, than it is to measure greater happiness, for example, or increased sexual pleasure. Furthermore, if demographic research is to make an important contribution to the quality of sexual health, or to the realization of sexual rights, it must ultimately focus not only on attitudes and practices, but also on the social, cultural, economic, and political contexts in which sexual activity is shaped and constituted—not only on the incidence of particular problems, but on the possibilities for transformed realities. Ultimately, research must focus not simply on determining behavioral frequencies, but on the cultural systems in which behavior becomes meaningful, the networks of power in which it is enmeshed, and the transformed identities that the reinvention of sexualities may make possible (Parker, 1991, 1992, 1994; Parker, Barbosa, & Aggleton, 2000; Parker & Gagnon, 1995).

### ***Research Agendas: Post ICPD Breakthroughs and Challenges Ahead***

Despite the epistemological and methodological

challenges discussed above, it is clear that ICPD has also had a positive impact on demographic research agendas, as illustrated, for example, by the work of the International Union for the Scientific Study of Population (IUSSP) Committee on Gender and Population, from which one major outcome is the volume, *Women's Empowerment and Demographic Processes—Moving Beyond Cairo* (Presser & Sen, 2000), that explores the use of demographic techniques to examine gender relations in terms of resources, practices, and perceptions. Presser and Sen call for a deep review of the policy constraints on demographic research in the second half of the twentieth century and emphasize the need to re-focus research to processes at intermediate levels—communities and institutions—in order to allow for a clearer connection between phenomena occurring at the micro level of the individual and the household and at macro aggregations.

In the volume, especially compelling is Sunita Kishor's (2000) exercise of assessing in the demographic and health surveys the array of factors affecting Egyptian women's ability to make self-determined reproductive decisions. The list of indicators includes marital status, economic autonomy, spatial mobility, and normative constraints. Similar conceptual efforts and exercises have been developed by the IUSSP sub-group devoted to the discussion of masculinity in which novel approaches are found, such as in the research and analysis performed by Mundigo (2000) and by Oliveira, Muskat, and Bilac (2000). The Oliveira et al. frame is particularly inspiring, as it examines male gender construction both in relation to material and symbolic structures and to agency. In addition to these positive investments in the research on gender, women's empowerment, and masculinity, relevant demographic research and analyses have also been performed specifically in relation to sexuality, in most cases in the context of the HIV/AIDS epidemics.<sup>26</sup>

Increasingly, motivated by a growing concern with

the complex social, cultural, economic, and political forces that shape and structure the experience of sexual life in different contexts and that condition the possibilities for agency and for social/sexual transformation, a range of new perspectives has been brought to the study of sexuality in recent years. In particular, in at least some recent demographic thinking, perspectives drawn broadly from the spectrum of the contemporary social sciences have begun to challenge (if not altogether unseat) the hegemony of more traditional biomedical models and behavioral research methods in opening up possibilities for a more complex and multi-dimensional understanding of sexuality and sexual experience—ultimately offering, perhaps, the possibility of a revitalized demographic research practice.

Equally important, the influence of a range of contemporary social movements, including the feminist and the gay and lesbian movements, has also been felt in redefining the most basic terms of a research agenda as well as the dialectical relationship between social research and political action. Issues of power, of gender inequality, and of sexual oppression have become increasingly central to sexual research, and the study of sexual health has become inextricably linked to the defense of sexual rights. What this suggests, however, is a very different model of social inquiry than the positivist science of human behavior familiar in traditional demography. In short, in a new wave of sexuality research, we have begun to see the emergence of a politically engaged and critically applied form of social and demographic investigation aimed at contributing to the transformation of society and the redress of social injustice (see, for example, the essays in Parker, Barbosa, & Aggleton, 2000).

There is, however, a whole area that has not yet been systematically debated and addressed within the demographic field: the measurement of rights. The *Human Development Report 2000* provides inspiring ideas and methodological proposals for statistical indicators that are needed as tools to further study the realization of human rights. Relevant statistics can and should be produced in various intertwined domains: to monitor policies and ensure accountability; to assess the effects of laws, policies, and practices; to raise early warnings of potential violations; to expose issues that

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26. It is also important to observe that new approaches to sexuality have been present in the Brazilian demographic for almost twenty years. Just to illustrate this point, in the Annual Meeting of the Brazilian Association for Population Studies (ABEP) in 1984, nine papers were presented on emerging sexuality issues.

have been neglected or silenced; to identify actors who have an impact on the realization of rights, whether this impact is negative or positive; to verify if the obligations of relevant actors are being met; and to enhance social consensus on difficult issues. The *Human Development Report 2000* (UNDP, 2000) calls attention to the fact that the proper conceptualization of these statistics requires the deconstruction of a prevailing myth which considers that “civil and political rights indicators are all qualitative descriptions while economic, social and cultural rights indicators are all quantitative statistics.” The report also underlines the fact that it is much easier to measure harm and violation than other critical phenomena implied in the realization of human rights.

These are encouraging signs. They suggest that both outside as well as within disciplinary boundaries, research agendas are being reviewed and adjusted to better tackle the conceptual and methodological challenges outlined in this paper. Our own interactions with the demographic community, particularly in Brazil, indicate that a common terrain already exists with respect to sharing the complexities of sexualities in research and policy making. It is our hope that this common terrain will be amplified and consolidated in the years to come, as we are convinced that a wide range of perspectives, expertise, and political strengths will be needed to validate (and disseminate) the idea of erotic justice as a meaningful agenda for the 21<sup>st</sup> century. ♦

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