

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

**CHALLENGE  
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# Addressing Protection Gaps

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

# Intersectionality: A Tool

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

# Why Intersectionality?

*“It is not about making sure that every oppression is named; it is actually about making sure every person is accounted for.”*

Youmna Chlala, WILD for Human Rights

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

# Intersectionality: HR Institutions/Orgs

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

# The case of WHRDs

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

# RFs, sexuality and rights

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

# RFs and sexual rights, cont...

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



# What's next? Steps at the UN

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