

# Sexual rights: an IPPF declaration

Pocket guide



# Who we are

The International Planned Parenthood Federation (IPPF) is a global service provider and a leading advocate of sexual and reproductive health and rights for all. We are a worldwide movement of national organizations working with and for communities and individuals.

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

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# Introduction

**Sexual rights: an IPPF declaration Pocket guide** is a tool to assist policy makers and advocates to defend, promote and advance sexual rights at every level – from local to international settings. Anyone working in the fields of health, development, human rights, social justice, gender equity and sexual and reproductive health and rights will find it valuable for introducing the principles of sexual rights into their work.

*Sexual rights: an IPPF declaration Pocket guide* is based on two documents: *Sexual rights: an IPPF declaration* and *Sexual rights: an IPPF declaration Abridged version*.

- 1 Sexual rights: an IPPF declaration.** This three-part document is grounded in core international human rights instruments. It provides an authoritative interpretation of international standards referenced in specific treaties and conventions, and additional entitlements related to human sexuality that, IPPF believes, are therefore implicit in these international human rights instruments.
  - Part 1 introduces the concept of the Declaration in the context of IPPF’s mission and vision and its earlier Charter on Sexual and Reproductive Rights. It outlines international agreements and documents relating to sexual and reproductive health and rights and universal human rights, and explains the basic intention of the human rights framework.
  - Part 2 sets out the seven guiding principles for the sexual rights included in the Declaration. These principles are the basis for ensuring that sexual rights are respected,

protected and advanced in the Federation's work, both in service delivery and advocacy.

- Part 3, 'Sexual rights are human rights related to sexuality' outlines ten articles. These make up a set of entitlements related to sexuality that emanate from universal, inalienable human rights, including the rights of all to life, freedom, equality, privacy, autonomy, health, education, protection, bodily integrity, participation and dignity.

**2 Sexual rights: an IPPF declaration Abridged version.** This abridged version translates the Declaration into more informal language to ensure it can be readily understood.

Resources, links to all of the major documents related to human and sexual rights and contact details for IPPF regional offices can be found on page 91.

We hope you will find this pocket guide of value as you work to create change and build on the momentum for the achievement of universal sexual rights.

If you would like further information on *Sexual rights: an IPPF declaration* please visit [www.ippf.org](http://www.ippf.org)



Dr Gill Greer, Director-General, IPPF



Sexual rights:  
an IPPF declaration  
Full text

# Foreword

Sexuality is a natural and precious aspect of life, an essential and fundamental part of our humanity. For people to attain the highest standard of health, they must first be empowered to exercise choice in their sexual and reproductive lives; they must feel confident and safe in expressing their own sexual identity.

Today, discrimination, stigma, fear and violence pose real threats to many people. These threats and the actions they trigger – ranging from disheartening to life-threatening in nature – prevent many people from attaining basic sexual rights and health. IPPF is committed to fulfilling its goals through an approach that embodies the principles of universality, interrelatedness, interdependence and indivisibility of all human rights. We will do all we can to ensure that sexual rights – human rights – are respected through our own service provision and advocacy, and also in the wider public sphere.

*Sexual rights: an IPPF declaration* represents the culmination of more than two years of work that spanned the globe. Its development was guided by a diverse group of individuals: internationally-renowned experts in sexual and reproductive health, human rights, law and public health; senior IPPF volunteers, each of whom brought unique regional perspectives and who together represented a range of experience and strengths; and three senior directors of the IPPF secretariat. The Declaration developed through regional meetings and events that took place across the Federation and built on the IPPF Charter of Sexual and Reproductive Rights. While there has already been some progress toward

meeting the Millennium Development Goals and the targets of the 1994 ICPD (International Conference on Population and Development) Programme of Action, there is still much work to be done.

Sexual rights are a component of human rights, they are an evolving set of entitlements related to sexuality that contribute to the freedom, equality and dignity of all people, and they cannot be ignored. We must persevere; we must be uncompromising and passionate in our efforts to decrease stigma and improve access to services, and to increase recognition of sexuality as a positive aspect of human life. Marginalized groups such as young people, transgender people, sex workers, men having sex with men, people who are gay, lesbian or bi-sexual, child brides and girl mothers particularly need our compassion. The Declaration applies equally to girls and women who are vulnerable to or have been subjected to gender-based violence, including traditional norms such as female genital mutilation and discrimination based on male preference.

*Sexual rights: an IPPF declaration* is an indispensable tool for all organizations, activists, researchers, policy- and decision-makers who are working to promote and ensure human rights. The Declaration will enable members of the sexual and reproductive health and human rights communities to create change and build on the momentum that has already begun around sexual rights in preparation for the next International Conference on Population and Development in 2015.

Too often denied and too long neglected, sexual rights deserve our attention and priority. It is time to respect them. It is time to demand them.

We trust that the Declaration will serve you well on the journey ahead.

A handwritten signature in blue ink that reads "Jacqueline Sharpe". The signature is fluid and cursive, with a prominent initial 'J' and a long, sweeping underline.

Jacqueline Sharpe, President of IPPF

# History

In November 2006, IPPF's highest decision-making body – the Governing Council – created a Panel on Sexual Rights with the mandate to guide and support the Federation in developing a declaration of sexual rights.

It was envisaged that the declaration would build on the IPPF Charter on Sexual and Reproductive Rights, a landmark document that proved enormously popular and successfully advanced the integration of human rights throughout IPPF's services and advocacy work. Recent work on sexual rights by the IPPF Western Hemisphere Region also contributed to the development of the declaration. Finally in May 2008, the Declaration was presented and adopted by the Governing Council of IPPF.

The Panel on Sexual Rights included senior IPPF volunteers and staff from all six IPPF regions and internationally renowned experts in sexual and reproductive health and rights from around the world.

The members of the panel were:

- **Mariam Mint Ahmed Aicha**  
Governing Council Member, Mauritania
- **Hossam Bahgat**  
Director of the Egyptian Initiative for Personal Rights, Egypt
- **Carmen Barroso**  
Regional Director, IPPF/WHR
- **Gert-Inge Brander**  
Governing Council Member, Sweden

- **Professor Paul Hunt**  
UN Special Rapporteur on the Right to Health
- **Alice Miller**  
Columbia University/Berkeley Law at University of California, USA
- **Madhu Bala Nath**  
Regional Director, IPPF/SARO
- **Dr Naomi Mmapelo Seboni**  
Governing Council Member, Botswana
- **Dr Nono Simelela**  
Director of Technical Knowledge and Support
- **Kun Tang**  
Governing Council Member, China
- **Esther Vicente (Chair)**  
Governing Council Member, Puerto Rico
- **Dr Gill Greer (Ex-officio)**  
Director-General of IPPF
- **Dr Jacqueline Sharpe (Ex-officio)**  
IPPF President

At the very first meeting in January 2007, Panel members agreed that the development of a declaration of sexual rights was fundamental to the realization of IPPF's vision and mission. While the IPPF Charter on Sexual and Reproductive Rights had broken new ground across the Federation, since 1994 (when the Charter was published) new issues and areas of concern had since emerged and there was a clear need to explore aspects of sexuality and identify sexual rights that were fragile, ignored

or considered ambiguous by many. The Charter gave rise to an increased awareness of the differences between sexual rights and reproductive rights; this awareness brought about the need for a code of practice specifically around sexuality. The Panel agreed that the Declaration would lead to improved health and well-being for IPPF's clients and would contribute to the attainment of the Millennium Development Goals.

The process of developing a declaration of sexual rights was, in itself, an internal advocacy tool for the Federation. Through a diversity of engagements at the national, regional and international levels, the development of the Declaration has enhanced the Federation's volunteers' and staff's comprehension of the nature of human rights, the nature of human rights related to sexuality, as well as the differences and commonalities between sexual rights and reproductive rights. The discussions among experts generated new knowledge about the importance of sexual rights to the enjoyment of the highest attainable standard of physical and mental health, and the interrelationship between sexual rights and the rights to development, freedom, equality and dignity. This knowledge is embodied in the Declaration.

Throughout the development of the Declaration, the need to take into account the cultural differences and the religious backgrounds of countries in the different regions was a recurrent concern. Members of the Panel presented different and sometimes conflicting perspectives on sexual rights as human rights. At the same time, participants welcomed the opportunity to talk openly about issues related to sexuality – including culture

and religion, child marriage, sex workers rights, gender identity, sexual orientation, reproductive technologies – which the Federation confronts in its work every day, at all levels.

The IPPF Regions each explored sexual rights within the context of their own histories and cultural experiences. These experiences also contributed to the Declaration. The Arab World held a meeting in May 2007 in Rabat, which resulted in a Declaration on Sexual and Reproductive Rights. The European Network held a workshop on gay, lesbian and transgender issues in June 2007, which included experts such as the European President of the International Lesbian Gay Association (ILGA) for Europe. The draft Declaration and sexual rights were discussed at the Africa Regional Council, and the joint Regional Council meeting of the South Asia Region and the East and South East Asia and Oceania Region. At the Western Hemisphere Regional Council, participants engaged in a discussion that was led by a panel of experts composed of Sonia Correa, Human Rights Activist, Anthony Romero, Executive Director of the American Civil Liberties Union, and Humberto Arango from Western Hemisphere Regional Office. Like the Arab World attendees at Rabat, the Western Hemisphere delegates issued a declaration. At each regional meeting, the Director-General of IPPF spoke about the Declaration of Sexual Rights and participated in subsequent discussions.

In November 2007, the Panel presented a draft of *Sexual rights: an IPPF declaration* to the Governing Council and asked members of the Council and staff and governing members of Regional Offices and Member Associations for their comments,

which were considered in the preparation of the final document. The Declaration was presented and approved by the Governing Council in May 2008.

With the Declaration as an invaluable co-pilot, IPPF hopes to help create a world in which the freedom, equality and dignity of all people are guaranteed, especially in the areas of their lives related to sexuality.

# Executive summary

*Sexual rights: an IPPF declaration* is grounded in core international human rights instruments, authoritative interpretations of international standards and additional entitlements related to human sexuality that IPPF believes are implicit in them.

The Declaration is in accordance with international agreements to which IPPF ascribes. The framework of the Declaration is already broadly embodied in many existing IPPF and Member Associations publications and reflects the mission, vision and values of IPPF. The Declaration is informed by the findings and recommendations of several UN treaty bodies and UN Special Rapporteurs, particularly the 2004 report of the Special Rapporteur on the Right to the Highest Attainable Standard of Health. It was developed by a panel of experts including internationally recognized leaders in the field of sexual and reproductive health and human rights, such as Paul Hunt, UN Special Rapporteur on the Right to Health. This executive summary is not meant to serve as an alternative to the Declaration, but as an introduction to the different sections of the Declaration and its contents. The full Declaration should always accompany this executive summary so that full details of the sexual rights and their background are readily available.

*Sexual rights: an IPPF declaration* contains three parts:

- A **preamble** which introduces the concept of the Declaration in the context of IPPF's mission and vision, the international agreements and documents relating to sexual and

reproductive health and rights and human rights, and also outlines the basic intention of the human rights framework.

- **Seven guiding principles** which provide a framework for all the sexual rights included in the Declaration and will inform and ensure respect, protection and advancement of sexual rights within the Federation. Sexual rights fall within the canon of human rights which is both universal and indivisible, and they are in accordance with the principles of non-discrimination.
- The final part, '**Sexual rights are human rights related to sexuality**', outlines the ten sexual rights. Sexual rights are constituted by a set of entitlements related to sexuality that emanate from the rights to freedom, equality, privacy, autonomy, integrity and dignity of all people.

While the significance of national and regional particularities and diverse historical, cultural and religious backgrounds must be borne in mind, organizations and individuals working in all regions of the world can incorporate the framework and underlying principles of the Declaration into their activities, services and/or programmes. This will aid any efforts to promote, defend and advance sexual rights.

Convinced that this comprehensive and integrated human rights based approach to sexuality and sexual health will promote the realization of sexual rights as an aspect of global justice, development and health, we affirm the principles that follow:

**Principle 1** Sexuality is an integral part of the personhood of every human being, for this reason a favourable environment

in which everyone may enjoy all sexual rights as part of the process of development must be created

Sexuality is an integral part of the personhood of every human being in all societies. While individuals experience their sexualities throughout their lives in ways that vary according to inner and external factors, human rights related to sexuality, their protection and promotion should be part of the daily existence of all individuals, everywhere. In addition, sexuality should be recognized as a positive aspect of life. Sexual rights are universal human rights based on the inherent freedom, dignity and equality of all human beings.

In accordance with the Charter on Sexual and Reproductive Rights, IPPF affirms that the person is the central subject of development and recognizes the importance of creating a favourable environment in which every individual may enjoy all sexual rights in order to be able to take an active part in processes of economic, social, cultural and political development. Sexuality is an aspect of human and social life which is engaged always with the body, the mind, politics, health and society.

**Principle 2** The rights and protections guaranteed to people under age eighteen differ from those of adults, and must take into account the evolving capacities of the individual child to exercise rights on his or her own behalf.

IPPF understands that the rights and protections guaranteed to people under age eighteen (18), as a matter of international and national law, sometimes differ from the rights of adults.

These differences relate to all aspects of human rights but require particular approaches in regard to sexual rights. IPPF begins from the premise that persons under eighteen (18) are rights holders, and that at different points within the spectrum of infancy, childhood, and adolescence, certain rights and protections will have greater or lesser relevance.

In addition, the principle of evolving capacity combines respect for children, their dignity and entitlement to protection from all forms of harm, while also acknowledging the value of their own contribution towards their protection. Societies must create environments in which children can achieve their optimal capacities and where greater respect is given to their potential for participation in, and responsibility for, decision-making in their own lives.

**Principle 3** Non-discrimination underlines all human rights protection and promotion.

IPPF understands that a framework of non-discrimination underlines all human rights protection and promotion. This framework of non-discrimination prohibits any distinction, exclusion or restriction on the basis of sex, age, gender, gender identity, sexual orientation, marital status, sexual history or behaviour, real or imputed, race, colour, ethnicity, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status, including HIV/AIDS, and civil, political, social or other status which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with

others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Individuals experience different barriers to the fulfilment of their sexual rights. Substantive equality requires these barriers to be removed in order for diverse individuals to enjoy fundamental rights and freedoms on an equal basis with others. This may require that particular attention be paid to marginalized and under-served groups.

**Principle 4** Sexuality, and pleasure deriving from it, is a central aspect of being human, whether or not a person chooses to reproduce.

Sexual health spans a lifetime. Sexuality is an integral factor in almost all reproductive decisions; however it is a central aspect of being human, whether or not one chooses to reproduce.

Sexuality is not merely a vehicle for individuals to satisfy their reproductive interests. The entitlement to experience and enjoy sexuality independent of reproduction, and reproduction independent of sexuality should be safeguarded, paying particular attention to those who, historically and in the present, are denied such an entitlement.

**Principle 5** Ensuring sexual rights for all includes a commitment to freedom and protection from harm.

The right to be protected from and to have recourse against, all forms of violence and harm underpins sexual rights. Sexuality-related harm includes both violence and abuse of a physical, verbal, psychological, economic and sexual nature as well as

violence against individuals because of their sex; age; gender; gender identity; sexual orientation; marital status; sexual history or behaviour, real or imputed; sexual practices or how they manifest their sexuality.

All children and adolescents are entitled to enjoy the right to special protection from all forms of exploitation. This includes protection from sexual exploitation, child prostitution and all forms of sexual abuse, violence and harassment, including coercion of a child to engage in any sexual activity or sexual practice and the use of children in pornographic performances and materials.

**Principle 6** Sexual rights may be subject only to those limitations determined by law for the purpose of securing due recognition and respect for the rights and freedoms of others and the general welfare in a democratic society. Sexual rights, as other human rights, may be subject only to those limitations determined by law for the purpose of securing due recognition and respect for the rights and freedoms of others and the general welfare in a democratic society, public health and public order, according to human rights law. Such limitations must be non-discriminatory, necessary and proportionate to the achievement of a legitimate aim. The exercise of sexual rights must be guided by awareness of the dynamic relationship between personal and social interests, the recognition of the existence of plurality of visions, and the need to guarantee equality, dignity and respect for difference.

**Principle 7** The obligations to respect, protect and fulfil apply to all sexual rights and freedoms.

Sexual rights and freedoms include core legal claims as well as access to the means to fulfil those claims. As with other human rights, states have obligations on three levels: to respect, protect and fulfil the sexual rights of all.

The obligation to 'respect' requires States to refrain from interfering directly or indirectly with the enjoyment of a particular right, in this case, with sexual rights. The obligation to 'protect' requires States to take measures that prevent third parties from interfering with human rights guarantees. The obligation to 'fulfil' requires States to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realization of the right.

## Sexual rights are human rights related to sexuality

IPPF affirms that sexual rights are human rights. Sexual rights are constituted by a set of entitlements related to sexuality that emanate from the rights to freedom, equality, privacy, autonomy, integrity and dignity of all people. The ten sexual rights are:

**Article 1** Right to equality, equal protection of the law and freedom from all forms of discrimination based on sex, sexuality or gender

All human beings are born free and equal in dignity and rights and must enjoy the equal protection of the law against discrimination based on their sexuality, sex or gender.

**Article 2** The right to participation for all persons, regardless of sex, sexuality or gender

All persons are entitled to an environment that enables active, free and meaningful participation in and contribution to the civil, economic, social, cultural and political aspects of human life at local, national, regional and international levels, through the development of which human rights and fundamental freedoms can be realized.

**Article 3** The rights to life, liberty, security of the person and bodily integrity

All persons have the right to life, liberty and to be free of

torture and cruel, inhuman and degrading treatment in all cases, and particularly on account of sex, age, gender, gender identity, sexual orientation, marital status, sexual history or behaviour, real or imputed, and HIV and AIDS status and shall have the right to exercise their sexuality free of violence or coercion.

#### **Article 4** Right to privacy

All persons have the right not to be subjected to arbitrary interference with their privacy, family, home, papers or correspondence and the right to privacy which is essential to the exercise of sexual autonomy.

#### **Article 5** Right to personal autonomy and recognition before the law

All persons have the right to be recognized before the law and to sexual freedom, which encompasses the opportunity for individuals to have control and decide freely on matters related to sexuality, to choose their sexual partners, to seek to experience their full sexual potential and pleasure, within a framework of non discrimination and with due regard to the rights of others and to the evolving capacity of children.

#### **Article 6** Right to freedom of thought, opinion and expression; right to association

All persons have the right to exercise freedom of thought, opinion and expression regarding ideas on sexuality, sexual orientation, gender identity and sexual rights, without arbitrary

intrusions or limitations based on dominant cultural beliefs or political ideology, or discriminatory notions of public order, public morality, public health or public security.

**Article 7** Right to health and to the benefits of scientific progress

All persons have a right to the enjoyment of the highest attainable standard of physical and mental health, which includes the underlying determinants of health and access to sexual health care for prevention, diagnosis and treatment of all sexual concerns, problems and disorders.

**Article 8** Right to education and information

All persons, without discrimination, have the right to education and information generally and to comprehensive sexuality education and information necessary and useful to exercise full citizenship and equality in the private, public and political domains.

**Article 9** Right to choose whether or not to marry and to found and plan a family, and to decide whether or not, how and when, to have children

All persons have the right to choose whether or not to marry, whether or not to found and plan a family, when to have children and to decide the number and spacing of their children freely and responsibly, within an environment in which laws and policies recognize the diversity of family forms as including those not defined by descent or marriage.

### **Article 10** Right to accountability and redress

All persons have the right to effective, adequate, accessible and appropriate educative, legislative, judicial and other measures to ensure and demand that those who are duty-bound to uphold sexual rights are fully accountable to them. This includes the ability to monitor the implementation of sexual rights and to access remedies for violations of sexual rights, including access to full redress through restitution, compensation, rehabilitation, satisfaction, guarantee of non-repetition and any other means.

*Sexual rights: an IPPF declaration* provides a clear framework within which the Member Associations can understand their responsibilities as service providers. They will be better equipped to begin or extend their work on improving access to all, and thereby enable their clients to fully realize their sexual and reproductive rights. The Declaration will also act as a framework for advocacy to remind States of their responsibilities. In particular, in the run up and planning for the next global initiative focusing on sexual and reproductive health and rights, advocacy on the basis of the Declaration will help governmental organizations to understand and make lasting commitments on the basis of the link between sexual rights, public health and development.

# Preamble

IPPF is committed to fulfilling its goals within a human rights approach that embodies the principles of the universality, interrelatedness, interdependence and indivisibility of all human rights. IPPF recognizes and believes that sexual rights are a component of human rights, which are an evolving set of entitlements related to sexuality that contribute to the freedom, equality and dignity of all people.

*Sexual rights: an IPPF declaration* is grounded in core international human rights treaties and other instruments, authoritative interpretations of these international standards and additional entitlements related to human sexuality that are implicit in them.<sup>1</sup> It draws on the documents emanating from the 1993 UN World Conference on Human Rights; the 1994 UN International Conference on Population and Development; the 1995 UN Fourth World Conference on Women; the UN Millennium Declaration and the Millennium Development Goals. It is also informed by the findings and recommendations of several UN treaty bodies and UN Special Rapporteurs, particularly the 2004 report to the Commission on Human Rights of the Special Rapporteur on the Right to the Highest Attainable Standard of Health.

The Declaration complements the IPPF Charter on Sexual and Reproductive Rights. It aims to explicitly identify sexual rights and support an inclusive vision of sexuality. This vision seeks to respect, protect and advance the rights of all persons to sexual autonomy and to promote sexual health and rights within a

framework of non-discrimination.

IPPF believes that health is a fundamental human right indispensable for the exercise of all human rights.<sup>2</sup> It also believes that sexual and reproductive health are integral elements of the rights of everyone to enjoy the highest attainable standard of physical and mental health.<sup>3</sup> Sexual health cannot be obtained or maintained without sexual rights, but sexual rights encompass more than entitlements related to health.

Sexual rights refer to specific norms that emerge when existing human rights are applied to sexuality. These rights include freedom, equality, privacy, autonomy, integrity and dignity of all people; principles recognized in many international instruments that are particularly relevant to sexuality. Sexual rights offer an approach that includes but goes beyond protection of particular identities. Sexual rights guarantee that everyone has access to the conditions that allow fulfilment and expression of their sexualities free from any coercion, discrimination or violence and within a context respectful of dignity.

IPPF recognizes that sexuality is a central aspect of being human throughout life and that while sexuality may include all of the following dimensions, not all of them are always experienced or expressed. It is an evolving concept that encompasses sexual activity, gender identities, sexual orientation, eroticism, pleasure, intimacy and reproduction. It is constituted through the interaction of biological, psychological, social, economic, political, cultural, ethical, legal, historical,

religious and spiritual factors. Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviours, practices, and relationships.<sup>4</sup>

IPPF is aware that many expressions of sexuality are non-reproductive and that the global understanding of sexuality is evolving. Thus, IPPF recognizes the need to specifically identify sexual rights as not subsumed under reproductive rights and reproductive health.<sup>5</sup>

IPPF recognizes that a commitment to enabling conditions for sexual rights complements its broader commitment to the local and global struggles for equity in access to resources, peace and to a universal, social and international order in which the dignity, rights, and freedoms of all persons can be fully realized. Within the scope of the right to development, the fulfilment of sexual rights is essential to the centrality of the individual as the subject, active participant and beneficiary of processes of economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realized.

IPPF believes that a key aspect of creating the conditions for the enjoyment of rights lies in the development of accountable structures. Such structures should not only provide individual remedy and redress, but also engage and challenge the mechanisms of power, practice and meaning which give rise to violations of sexual rights. IPPF recognizes that this has implications for its service delivery and advocacy efforts.

Thus, IPPF encourages its Member Associations to use The Declaration as guidance in the integration of their commitment to respect, protect and advance sexual rights throughout their

activities; and to reinforce and enhance their ongoing policies, strategies and programmes.

The Declaration is a framework for understanding the application of basic human rights to sexuality. All components of the Federation can incorporate this framework and its underlying principles into their activities, services and programmes as an effort to comply with the responsibility to promote and defend sexual rights and in order to reinforce and enhance their ongoing policies and strategies.

IPPF is committed to a vision of universal, inalienable, and indivisible human rights, including sexual rights. It recognizes, however, that country contexts may impact upon the timing, manner and extent of implementation of the principles and rights included in this Declaration. Specific processes will be put in place to recognize, and to account for, such situations.<sup>6</sup>

*Sexual rights: an IPPF declaration* was adopted by the IPPF Governing Council on 10 May 2008.

# General Principles

IPPF expects that all Member Associations will be committed to the Federation's mission, vision and values, including the principles underlying and incorporated in this Declaration. These principles must inform the programmes and strategies developed by the Federation's components to protect, promote and fulfil the sexual rights specified in the part titled **Sexual rights are human rights related to sexuality** of this Declaration.

## Principle 1

Sexuality is an integral part of the personhood of every human being. For this reason, a favourable environment in which everyone may enjoy all sexual rights as part of the process of development must be created

Sexuality is an integral part of the personhood of every human being in all societies. While individuals experience their sexualities in ways that vary according to inner and external factors, human rights related to sexuality, their protection and promotion should be part of the daily existence of all persons, everywhere. Sexual rights are universal human rights based on the inherent freedom, dignity and equality of all human beings.<sup>7</sup>

Poverty is both a cause and a consequence of sexual ill health and sexuality-based inequalities and exclusions. Programming must address the interconnection of poverty with these issues, recognizing its role in the enjoyment and denial of human rights and, in particular, its effects on sexual rights.

Inequity,<sup>8</sup> inequality,<sup>9</sup> gender inequity,<sup>10</sup> gender inequality,<sup>11</sup> and poor health must be tackled in the implementation of any

development projects, programmes or frameworks such as those based on the Millennium Development Goals. The achievement of the Millennium Development Goals – improving maternal health, reducing child mortality, promoting gender equality, and combating HIV and AIDS – among other goals depend directly on ensuring widespread access to sexual health services and protection of sexual rights.

In accordance with the Charter on Sexual and Reproductive Rights, IPPF affirms that the person is the central subject of development and recognizes the importance of creating a favourable environment in which every individual may enjoy all sexual rights in order to be able to take an active part in processes of economic, social, cultural and political development. Sexuality is an aspect of human and social life which is engaged always with the body, the mind, politics, health and society.

Sexual rights impact on the ideological and political, as well as the personal and subjective. Sexual rights incorporate expressive, associational, and participatory elements and are deeply connected to bodily integrity and self sovereignty. In recognizing and committing to the guarantee of sexual rights, IPPF understands that respect, protection and fulfilment of these rights require attention to all these domains and elements, which in turn are part of historical processes at work across the private-public sites of human activity.

## Principle 2

**The rights and protections guaranteed to people under age eighteen differ from those of adults, and must take into account the evolving capacities of the individual child to exercise rights on his or her own behalf**

IPPF understands that the rights and protections guaranteed to people under age eighteen (18), as a matter of international and national law, sometimes differ from the rights of adults. These differences relate to all aspects of human rights but require particular approaches in regard to sexual rights. IPPF begins from the premise that persons under eighteen (18) are rights holders, and that at different points within the spectrum of infancy, childhood, and adolescence, certain rights and protections will have greater or lesser relevance.

Under Article 5 of the Convention on the Rights of the Child,<sup>12</sup> it is stated that the direction and guidance provided by parents or others with responsibility for the child must take into account the capacities of the child to exercise rights on his or her own behalf. The concept of evolving capacity of children requires a balance between recognizing children as active agents in their own lives entitled to be respected as citizens, as people and as rights-bearers with increasing autonomy, while also being entitled to protection in accordance with their vulnerability. The concept recognizes that the levels of protection from participation in activities likely to cause children harm will diminish in accordance with their evolving capacity.

In addition, the principle of evolving capacity combines respect for children, their dignity and entitlement to protection

from all forms of harm, while also acknowledging the value of their own contribution towards their protection. Societies must create environments in which children can achieve their optimal capacities and where greater respect is given to their potential for participation in, and responsibility for, decision-making in their own lives.

Several key principles govern the interrelationship between children's rights and other interests. Among these are: the view of persons under 18 as rights holders;<sup>13</sup> the best interests of the child;<sup>14</sup> the evolving capacities of the child;<sup>15</sup> non-discrimination;<sup>16</sup> and the responsibility for ensuring conditions for thriving.<sup>17</sup>

In the context of sexual rights, these principles require an individualized approach, informed by demonstration of maturity and consideration of particular circumstances, such as the specific child or adolescent's understanding, activities, physical or mental health status, relationship with parents or other interested parties, the power relations among those involved, and the nature of the issue at hand.

## Principle 3

### Non-discrimination underlies all human rights protection and promotion

IPPF understands that a framework of non-discrimination underlies all human rights protection and promotion.<sup>18</sup> This framework of non-discrimination prohibits any distinction, exclusion or restriction on the basis of sex;<sup>19</sup> age;<sup>20</sup> gender;<sup>21</sup> gender identity;<sup>22</sup> sexual orientation;<sup>23</sup> marital status; sexual history or behaviour, real or imputed; race; colour; ethnicity;

language; religion; political or other opinion; national, geographical or social origin; property; birth; physical or mental disability; health status, including HIV; and civil, political, social or other status; which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.<sup>24</sup>

Discrimination in the realm of sexual rights may manifest itself through unequal access to cultural, economic, political or social rights because of sex; age; gender; gender identity; sexual orientation; marital status; sexual history or behaviour, real or imputed; sexual practices or sexual orientation; and the denial of sexual rights, such as sexual health services, comprehensive sexuality education and redress for sexual violence; which impair a person's enjoyment of rights on an equal footing with others.

Individuals experience different barriers to the fulfilment of their sexual rights. Substantive equality requires these barriers to be removed in order for diverse individuals to enjoy fundamental rights and freedoms on an equal basis with others. This may require that particular attention be paid to marginalized and under-served groups.

## **Principle 4**

**Sexuality, and pleasure deriving from it, is a central aspect of being human, whether or not a person chooses to reproduce**

Sexual health spans a lifetime. Sexuality is an integral factor in almost all reproductive decisions; however it is a central aspect of

being human, whether or not one chooses to reproduce.

Sexuality is not merely a vehicle for individuals to satisfy their reproductive interests. The entitlement to experience and enjoy sexuality independent of reproduction, and reproduction independent of sexuality should be safeguarded, paying particular attention to those who, historically and in the present, are denied such an entitlement.

All persons are entitled to the conditions that enable the pursuit of a pleasurable sexuality.<sup>25</sup> Pleasure is based on individual and relational autonomy, for which the existence of public policies on sexuality education, health services, freedom from coercion and violence, as well as the development of a field of ethics on issues of justice, equality and liberty must be ensured. Given that pleasure is an intrinsic aspect of sexuality, the right to seek, express and determine when to experience it must not be denied to anyone.

## Principle 5

### Ensuring sexual rights for all includes a commitment to freedom and protection from harm

The right to be protected from and to have recourse against, all forms of violence and harm underpins sexual rights.<sup>26</sup> Sexuality-related harm includes both violence and abuse of a physical, verbal, psychological, economic and sexual nature as well as violence against individuals because of their sex; age; gender; gender identity; sexual orientation; marital status; sexual history or behaviour, real or imputed; sexual practices or how they manifest their sexuality.

All children and adolescents<sup>27</sup> are entitled to enjoy the right to special protection from all forms of exploitation. This includes protection from sexual exploitation, child prostitution and all forms of sexual abuse, violence and harassment, including coercion of a child to engage in any sexual activity or sexual practice and the use of children in pornographic performances and materials.

## Principle 6

**Sexual rights may be subject only to those limitations determined by law for the purpose of securing due recognition and respect for the rights and freedoms of others and the general welfare in a democratic society**

Sexual rights, as other human rights, may be subject only to those limitations determined by law for the purpose of securing due recognition and respect for the rights and freedoms of others and the general welfare in a democratic society,<sup>28</sup> public health and public order, according to human rights law.<sup>29</sup> Such limitations must be non-discriminatory, necessary and proportionate to the achievement of a legitimate aim. The exercise of sexual rights must be guided by awareness of the dynamic relationship between personal and social interests, the recognition of the existence of plurality of visions, and the need to guarantee equality, dignity and respect for difference.<sup>30</sup>

## Principle 7

### The obligations to respect, protect and fulfil apply to all sexual rights and freedoms

Sexual rights and freedoms include core legal claims as well as access to the means to fulfil those claims.<sup>31</sup> As with other human rights, states have obligations on three levels: to *respect*, *protect* and *fulfil* the sexual rights of all.<sup>32</sup>

The obligation to *respect* requires States to refrain from interfering directly or indirectly with the enjoyment of a particular right, in this case, with sexual rights. The obligation to *protect* requires States to take measures that prevent third parties from interfering with human rights guarantees. The obligation to *fulfil* requires States to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realization of the right.<sup>33</sup>

While states remain the primary duty bearers in respecting, protecting and fulfilling human rights within their borders, other actors in civil society whose actions and omissions have effects on the enjoyment of sexual rights should also be held accountable. These can include other states, trans-boundary entities and programmes operating through aid and development assistance, security structures and other alliances, as well as non-state actors, including both commercial, not-for-profit and religious entities, as well as individuals.

Therefore, states must refrain from violating or otherwise interfering with a person's sexual rights, protect those rights from violations and interference by third parties, and take positive steps and measures, including building effective,

participatory and accountable institutions and allocating resources towards the realization of sexual rights.

IPPF is committed to do all within its capabilities to encourage and assist all Member Associations to play their role in respecting, protecting and fulfilling the sexual rights that follow, and to advocate for states and other actors to respect, protect and fulfil these rights in all aspects of their legislative, administrative, budgetary and other policies and practices.

# Sexual rights are human rights related to sexuality

IPPF affirms that sexual rights are human rights. Sexual rights are constituted by a set of entitlements related to sexuality that emanate from the rights to freedom, equality, privacy, autonomy, integrity and dignity of all people.

Many international instruments, norms and standards recognize important principles related to sexuality. Sexual rights are specific norms that emerge when existing human rights are applied to sexuality. Sexual rights protect particular identities, but reach beyond this and protect all people's right to be allowed to fulfil and express their sexuality, with due regard for the rights of others and within a framework of non-discrimination.

The following sexual rights apply basic, well-established human rights principles to the field of human sexuality. Their application is of particular importance to the poor, marginalized, the socially excluded and under-served, whether such characteristics are historical or recent.

Given that IPPF affirms the universality, interrelatedness, interdependence and indivisibility of all human rights, the order in which the following sexual rights are incorporated in this Declaration do not imply a particular hierarchy. Implementation of the following articles should be informed by the general principles that precede them.

## Article 1

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

- All human beings are born free and equal in dignity and rights<sup>34</sup> and must enjoy the equal protection of the law<sup>35</sup> against discrimination based on their sexuality, sex or gender.<sup>36</sup>
- All persons must be ensured an environment where everyone enjoys and has equal access to full rights afforded by the State. States and civil society must take steps to promote the modification of social and cultural practices based on stereotyped roles of women or men or on the idea of superiority or inferiority of sexes, genders or gender expressions.
- All persons have the right to work, education, health, social security and other economic, social and cultural rights, as well as the facilities, goods, services and conditions necessary to realise them, without discrimination on any grounds.
- All persons shall be accorded legal capacity and the same opportunities to exercise that capacity, equal rights to enter into contracts and to administer property, and shall be treated equally in all stages of procedure in courts and tribunals, with due regard for the evolving capacity of the child.
- All persons shall have the same rights regarding the law relating to the movement of persons and the freedom to choose their residence and domicile, without discrimination.

## Article 2

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

- All persons are entitled to an environment that enables active, free and meaningful participation in and contribution to the civil, economic, social, cultural and political aspects of human life at local, national, regional and international levels, through the development of which human rights and fundamental freedoms can be realized.<sup>37</sup>
- All persons are entitled to participate in the development and implementation of policies that determine their welfare,<sup>38</sup> including their sexual and reproductive health, without formal or informal barriers such as marriage qualifications, conditions related to HIV status,<sup>39</sup> or discriminatory gender norms, stereotypes and prejudices that exclude or restrict the participation of persons based on ideas of gender and sexual propriety.
- Young people, who are frequently excluded, shall have the right to be participants and protagonists in processes of change in their societies. They shall have meaningful ways to contribute to and shall share the responsibilities for the development of policies and programmes to protect, promote and fulfil sexual and reproductive health and rights.<sup>40</sup>
- All persons shall be able to participate in public and political life, including holding public office and performing all public functions, without discrimination on any grounds.
- As a basis for participation, all persons shall enjoy the right to mobility and to leave and return to their own country as well

as equal access to documents that enable such mobility and travel without discrimination.<sup>41</sup>

## Article 3

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

- All persons have the right to life, liberty<sup>42</sup> and to be free of torture and cruel, inhuman and degrading treatment<sup>43</sup> in all cases and particularly on account of any prohibited grounds of discrimination, and shall have the right to exercise their sexuality free of violence or coercion.
- All persons have the right to life and bodily integrity,<sup>44</sup> these rights shall not be threatened or be put at risk to 'avenge the honour' of a family.<sup>45</sup>
- No person shall be subjected to judicial or extra-judicial killings, judicial or extra-judicial corporal punishment for their sexual history or behaviour, gender identity or expression.<sup>46</sup>
- No woman's life or health shall be put at risk as a consequence of medical treatment being denied to her for any physical or mental condition, or based on others placing a competing value on the foetus she may be carrying.
- No woman shall be condemned to forced maternity as a result of having exercised her sexuality.
- All persons have the right to be free from harmful traditional practices, including female genital mutilation and forced or early marriage.<sup>47</sup>
- All persons have the right to be free from violence, including all forms of physical, verbal, psychological or economic abuse,

sexual harassment or sexual violence, rape and any other forms of coerced sex within or outside marriage, in armed conflict or in detention.

- All persons, including sex workers of all genders<sup>48</sup> or in the instance of real or alleged sexual activity outside marriage, have the right to be free from the risk of violence created by stigma and discrimination based on their sex, sexuality or gender.
- No one shall be subjected to arbitrary detention, nor subjected to the imposition of arbitrary or discriminatory sanctions for violations of imprecise or ill-defined criminal provisions regarding consensual sex.<sup>49</sup>
- No person's sexual choices, practices or expressions, including real or imputed practices of sex work, can justify, excuse or mitigate punishment for violence, abuse or harassment.<sup>50</sup>
- All migrants and migrant workers, particularly young, female and transgender migrants, must have access, in the countries where they work and live, to the means of protection from bodily harm and from violence and abuse based on their sexual and gender expressions, as well as to the means to protect and fulfil their sexual health and rights.
- All persons have the right to seek and enjoy asylum from persecution, including persecution arising from either a State's action or failure to take sufficient steps to protect a person from serious abuse,<sup>51</sup> on the basis of sex, gender, gender identity, sexual history or behaviour or sexual orientation or HIV status.<sup>52</sup>

- All persons shall be free from the removal, extradition or expulsion or threats thereof to any State where they may face a well-founded fear of persecution based on sex, gender, gender identity, sexual history or behaviour or sexual orientation or HIV status.<sup>53</sup>

## Article 4

### Right to privacy

- All persons have the right not to be subjected to arbitrary interference with their privacy, family, home, papers or correspondence<sup>54</sup> and the right to privacy which is essential to the exercise of sexual autonomy.
- All persons are entitled to sexual autonomy and shall be able to make decisions about their sexuality, sexual behaviour and intimacy without arbitrary interference.
- All persons have the right to confidentiality regarding sexual health services and care, medical records, and in general to protect information concerning their HIV status and to be protected from arbitrary disclosures or threats of arbitrary disclosures, within the framework of permissible limitations and without discrimination.<sup>55</sup>
- All persons have the right to control the disclosure of information regarding their sexual choices, sexual history, sexual partners and behaviours and other matters related to sexuality.

## Article 5

### Right to personal autonomy and recognition before the law

- All persons have the right to be recognized before the law and to sexual freedom, which encompasses the opportunity for individuals to have control and decide freely on matters related to sexuality, to choose their sexual partners, to seek to experience their full sexual potential and pleasure, within a framework of non-discrimination and with due regard to the rights of others and to the evolving capacity of children.
- All persons have the right to recognition everywhere as a person before the law, without discrimination on any grounds.
- All persons are free to exercise autonomous and relational sexual practices and conduct, within an environment of social, political and economic conditions in which all rights and freedoms can be realized equally by all, free of discrimination, violence and coercion or abuse.
- No person shall be subjected to laws that arbitrarily criminalize consensual sexual relations or practices nor be subjected to arrest or detention on the basis of sex, sexuality or gender, or consensual sexual practices or conduct.
- All persons in custody have a right not to face abuse or risk of harm on the basis of any prohibited grounds of discrimination. All persons in custody have the right to protection from marginalization<sup>56</sup> and to have regular conjugal visits.<sup>57</sup>
- All persons shall enjoy freedom from the harms associated with the crime of trafficking.<sup>58</sup>

- No person shall be subjected to involuntary medical research or procedures, forced to undergo medical testing or arbitrary medical confinement on the grounds of protected sexual expression; sexual orientation; sexual history or behaviour, real or imputed or gender identity or expression.
- No person shall be forced to undergo medical procedures, including sex reassignment surgery, sterilization or hormonal therapy, as a requirement for legal recognition of their gender identity or be subjected to pressure to conceal, suppress or deny his/her sex, age, gender, gender identity or sexual orientation.
- No person shall be denied identity papers which indicate his/her gender or sex as reflecting the person's self-defined gender identity, including but not limited to birth certificates, passports and electoral records.

## Article 6

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

- All persons have the right to exercise freedom of thought, opinion and expression regarding ideas on sexuality, sexual orientation, gender identity and sexual rights, without arbitrary intrusions or limitations based on dominant cultural beliefs or political ideology, or discriminatory notions of public order, public morality, public health or public security.<sup>59</sup>
- All persons have the right to freedom of thought, conscience and religion,<sup>60</sup> including the right to hold opinions without

interference, within a framework of non-discrimination and respect for the evolving capacity of children.

- All persons have the right to explore their sexuality, to have dreams and fantasies free from fear, shame, guilt, false beliefs and other impediments to the free expression of their desires, with full regard for the rights of others.
- All persons, particularly women, have the right to expressions of identity or personhood through speech, deportment, dress, bodily characteristics, choice of name and other means without restriction.<sup>61</sup>
- All persons have the freedom to seek, receive and impart information and ideas with regards to human rights, sexual rights, sexual orientation, gender identity and sexuality through any legal medium and regardless of frontiers, within a framework of non-discrimination and taking into consideration the rights of others and the evolving capacity of children.
- All persons have the right to freedom of peaceful assembly and association<sup>62</sup> in diverse formations. This includes the right to establish, join and create groups and organizations and to develop, exchange, campaign and impart information and ideas on issues related to human rights, sexual rights, sexuality, sexual orientation and gender identity through any medium, within the framework of a social order in which the rights and freedoms of all can be fully realized.

## Article 7

### Right to health and to the benefits of scientific progress

- All persons have a right to the enjoyment of the highest attainable standard of physical and mental health,<sup>63</sup> which includes the underlying determinants of health<sup>64</sup> and access to sexual health care for prevention, diagnosis and treatment of all sexual concerns, problems and disorders.
- All persons have the right to insist on safer sex for the prevention of unwanted pregnancy and sexually transmitted infections, including HIV and AIDS.
- All persons have the right to participate in the establishment of laws, policies, programmes and services pertaining to public health in their communities.
- All health interventions must be sensitive to the special needs of marginalized individuals and communities.
- All persons shall have access to health care and services independently of the conscientious objection of health service providers.<sup>65</sup>
- All persons have the right to access information about sexual rights, sexual orientation, sexuality and gender identity in relation to health, and to access the best possible health services based upon evidence and scientifically valid research.
- All persons, including sex workers, have the right to safe working conditions, access to health services, and the support and protection necessary to be able to insist on safer sex practices with all partners and clients.

- All persons in armed conflict or forced displacement shall have access to comprehensive sexual and reproductive health services.
- All persons have the right to enjoy the benefits of scientific progress and its applications<sup>66</sup> to sexual rights and sexual health.
- All persons shall have the right and means to access or refuse reproductive health technologies, services or medical interventions on an equal basis with others, without discrimination. Age-based restrictions to this entitlement must meet the requirements of non-discrimination and the principle of the evolving capacity of the child.
- All persons shall have the right and means to access or to refuse participation in scientific research on an equal basis with others, and without discrimination.

## Article 8

### Right to education and information

- All persons, without discrimination, have the right to education and information generally and to comprehensive sexuality education and information necessary and useful to exercise full citizenship and equality in the private, public and political domains.
- All persons have the right to education aimed at eradicating stigma and discrimination, promoting the development of young people as informed actors taking responsibility for their lives and empowering them to participate in determining policy regarding sexual health and sexuality education.<sup>67</sup>

- All persons and young people in particular have the right to give input on comprehensive sexuality education programmes and sexuality-related policies.
- All persons have the right to the means to develop skills to negotiate stronger and more equitable relationships.
- All persons shall, without regard to national borders, have access to non-traditional and traditional information in all mediums that enhances sexuality, sexual rights and sexual health; young people in particular shall have access to information on sexually and gender non-conforming lives and sexual relations.
- All persons shall have access to community-, school-, and health service provider-based information regarding sexuality in understandable language, including information on the means to ensure sexual and reproductive health and decision-making on when, how, and with whom to have sex and when sexual behaviour will become reproductive.<sup>68</sup>
- All persons have the right to sufficient education and information to ensure that any decisions they make related to their sexual and reproductive life are made with full, free and informed consent.<sup>69</sup>

## Article 9

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

- All persons have the right to choose whether or not to marry, whether or not to found and plan a family, when to

have children and to decide the number and spacing of their children freely and responsibly, within an environment in which laws and policies recognize the diversity of family forms as including those not defined by descent or marriage.<sup>70</sup>

- All persons have the right to enter freely and with full consent into marriage or other partnership arrangements which shall be available to all within the framework of non-discrimination and with due regard to the evolving capacity of children.
- All persons have the right to family-related social welfare and other public benefits such as those regarding employment and immigration, independently of the family form they have chosen to found, including those not defined by descent or marriage.
- All persons have the right to have access to the information, education and to the means they need to be able to decide whether or not and when to have children to decide freely and responsibly the number and spacing of their children.<sup>71</sup>
- All persons have the right to make free and responsible choices regarding reproduction and family formation; including the right to decide whether or not to have biological or adopted children, as well as to all safe, effective, acceptable and affordable methods of fertility regulation, reproductive technologies, and treatments.
- All persons have the right to counselling and other services related to reproduction, infertility and pregnancy termination, irrespective of marital status, and within a framework of non-discrimination and taking into account the evolving capacity of children.

- All women have the right to information, education and services necessary for the protection of reproductive health, safe motherhood and safe abortion, which are accessible, affordable, acceptable and convenient to all users.
- All persons shall have the same rights and responsibilities with regard to guardianship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation, within a framework of non-discrimination; in all cases the best interests of the children shall be paramount.

## Article 10

### Right to accountability and redress

- All persons have the right to effective, adequate, accessible and appropriate educative, legislative, judicial and other measures to ensure and demand that those who are duty-bound to uphold sexual rights are fully accountable to them. This includes the ability to monitor the implementation of sexual rights and to access remedies for violations of sexual rights, including access to full redress through restitution, compensation, rehabilitation, satisfaction, guarantee of non-repetition and any other means.<sup>72</sup>
- States shall establish mechanisms of accountability for ensuring that their obligations related to the guarantee of sexual rights are fully upheld.
- All persons shall have the right to access effective mechanisms for accountability and redress during armed conflict, especially in relation to sexual and gender-based violence.

- All persons shall have access to the information and assistance necessary to be able to seek remedies and secure redress for violations of their sexual rights.
- All persons have the right to hold to account non-state actors whose actions or omissions impact upon their enjoyment of sexual rights. This includes the ability to seek remedies and redress for any violations of sexual rights.
- States shall take steps to prevent third parties from violating the sexual rights of others.

IPPF is committed to do all within its capabilities, including providing technical assistance, capacity building and financial assistance, to encourage all its Member Associations to advocate for sexual rights, provide client oriented non-discriminatory sexual health services, information and comprehensive sexuality education; and treat their staff and participants in their programmes and projects in accordance with the Principles and Sexual Rights incorporated in this Declaration.

# References and notes

These notes identify the sources of the principles and entitlements that IPPF has set out in *Sexual rights: an IPPF declaration*

The sources include core international human rights instruments and authoritative interpretations of international standards. We also include references that support additional entitlements which IPPF believes are implicit in the core international standards. These sources include laws and policies from national governments, and articulations of international human rights scholars, advocates, and processes undertaken by IPPF Member Associations.

- The full text of the 1995 IPPF Charter on Sexual and Reproductive Rights can be found at: [www.ippf.org/en/Resources/Statements/IPPF+Charter+on+Sexual+and+Reproductive+Rights.htm](http://www.ippf.org/en/Resources/Statements/IPPF+Charter+on+Sexual+and+Reproductive+Rights.htm)
- The full text of many of the international standards and reports of United Nations human rights bodies can be found at the web site of the United Nations' Office of the High Commissioner of Human Rights: [www.ohchr.org](http://www.ohchr.org)
- For the full discussion of sexual rights and sexual health by the WHO, see: [www.who.int/reproductive-health/gender/sexualhealth.html#4](http://www.who.int/reproductive-health/gender/sexualhealth.html#4)
- The full text of the Yogyakarta Principles: Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (Yogyakarta Principles) (2007) can be found at: [www.yogyakartaprinciples.org](http://www.yogyakartaprinciples.org)

## 1 International Bill of Human Rights

Universal Declaration of Human Rights (UDHR)

International Covenant on Civil and Political Rights (ICCPR) and its  
2 Optional Protocols

International Covenant on Economic, Social and Cultural Rights  
(ICESCR)

### **Core International Human Rights Instruments and their Monitoring Bodies:**

International Convention on the Elimination of All forms of Racial  
Discrimination (ICERD) – Monitoring Body: CERD

Convention on the Elimination of All Forms of Discrimination Against  
Women (CEDAW) – Monitoring Body: CEDAW and its Optional  
Protocol

Convention against Torture and other forms of Cruel, Inhuman or  
Degrading Treatment (CAT) – Monitoring Body: CAT and its Optional  
Protocol

Convention on the Rights of the Child (CRC) and its 2 Optional  
Protocols

Monitoring Body: CRC

International Convention on the Protection of the Rights of All Migrant  
Workers and Members of Their Families (CMW)

Monitoring Body: CMW

Convention on the Rights of Persons with Disabilities (Date of entry  
into force: 3 May 2008)

International Convention for the Protection of All Persons from  
Enforced Disappearance (in force as of May 2008)

In addition to the core Human Rights Treaties, there are a number of

international human rights instruments that are, although not legally binding, an undeniable moral force and provide practical guidance to States in their conduct. These include:

Vienna Declaration and Programme of Action

United Nations Millennium Declaration

United Nations Declaration on the Elimination of Violence Against Women

United Nations Declaration on the Right to Development

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

Declaration of Commitment on HIV/AIDS

- 2** The CESCR Committee has stated that States that the right to health contains freedoms which include the right to decide over one's health and body, including sexual and reproductive freedom. Committee on Economic, Social and Cultural Rights: General Comment 14: The right to the highest attainable standard of health. UN Document E/C.12/2000/4 11 August 2000.
- 3** Report of the Special Rapporteur on the Right to Health to the 60th Session of the Commission on Human Rights, UN Document E/CN.4/2004/49 (2004) at para 9.
- 4** Sexuality is situated at the intersections of the social and the individual and emerges from a dynamic interaction among social, economic, political and cultural structures at the local, national and international level. This dynamic informs all people's sense of themselves, and others, as having sexual rights.
- 5** Report of the Special Rapporteur on the Right to Health, E/CN.4/2004/49 (2004) at para. 55.

- 6 The process for recognizing such situations will be similar to that used in the case of Member Associations implementing fewer than all the goals of the Strategic Framework for specific reasons related to their country context, including the law. A country situational analysis will be carried out by the Member Association, and will be documented. An agreement will be entered into between the Regional Director/ Regional Executive Committee and the Member Association.
- 7 See Ilkcaracan, P. and Jolly, S. (2007) Gender and Sexuality: Overview Report (BRIDGE: Institute for Development Studies) at: [www.bridge.ids.ac.uk/reports\\_gend\\_CEP.html#Sexuality](http://www.bridge.ids.ac.uk/reports_gend_CEP.html#Sexuality)
- 8 Equity is fairness and justice in the distribution of benefits and responsibilities. The concept of gender equity recognizes that women and men have different needs and power and that these differences should be identified and addressed in a manner that rectifies the imbalance between the sexes
- 9 Equality is the absence of discrimination in opportunities and the allocation of resources or benefits or in access to services.
- 10 Gender equity refers to situations where needs of men and women are different, resources and programmatic attention should be in proportion to those needs; equal opportunities should be ensured; and if necessary, differential treatment and attention should be provided to guarantee equality of results and outcomes and redress historical and social disadvantages experienced by women.
- 11 Gender equality refers to a measurable equal representation of women and men. Gender equality does not imply that women and men are the same, but that they have equal value and should be accorded equal treatment. Gender equality refers to both women and men's ability to: share equally in the distribution of power and influence; have

equal opportunities, rights and obligations in the public and private spheres, including in terms of work or income generation; have equal access to quality education and capacity-building opportunities; have equal possibility to develop their full potential; have equal access to resources and services within families, communities and society at large; and to be treated equally in laws and policies. Gender equality does not mean that women and men are the same, but that their rights, responsibilities and opportunities do not depend on their sex.

**12 Convention on the Rights of the Child**, Art. 5: States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention. [www2.ohchr.org/english/law/crc.htm](http://www2.ohchr.org/english/law/crc.htm)

**13 Convention on the Rights of the Child**, establishes the notion of people under 18 as rights holders. A child, under current applications of international law, means every human being below the age of eighteen.

**Convention on the Rights of the Child**, Art. 1: For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

**14 Convention on the Rights of the Child**, Art. 3: (1.) In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary

consideration. (2.) States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures. (3.) States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

- 15 Convention on the Rights of the Child, Art. 5:** States parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.
- 16 Convention on the Rights of the Child, Art. 2.1:** States parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- 17 Convention on the Rights of the Child, Art. 6.2:** States parties shall ensure to the maximum extent possible the survival and development of the child.

- 18 The framework of non-discrimination applies to all references to discrimination in this document.
- 19 Sex refers to the biological characteristics that define humans as female or male. While these sets of biological characteristics are not mutually exclusive, as there are individuals who possess both, they tend to differentiate humans as males and females.
- 20 See Principle 2 of this Declaration. Discrimination on the basis of age is equally relevant to older people.

**International Covenant on Economic, Social and Cultural**

**Rights**, Art. 2.2: The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

- 21 Gender refers to the social, cultural and economic attributes and opportunities associated with being male or female in a particular point in time.
- 22 Gender identity refers to a person's internal self-awareness of being male or female; masculine or feminine.
- 23 Sexual orientation refers to the primary sexual attraction to the same, opposite or both sexes.
- 24 For examples of interpretations of international law regarding non-discrimination across all fields and in relation to both purposive and 'in effect' discriminatory acts in the context of race, sex and gender-related aspects of racial discrimination, see the Human Rights Committee's, General Comment No.18: Non-discrimination, UN Doc. HRI/GEN/1/Rev.6 at 146, 2003.  
See also, the Committee on the Elimination of All Forms of Racial

Discrimination's General Recommendation 25: Gender-related dimensions of racial discrimination, UN Doc A/55/18, 2000.

**25** CLADEM Manifiesto (2nd version, Campaign for a Convention on sexual rights and reproductive rights October 2006) at p.26.

[www.convencion.org.uy](http://www.convencion.org.uy)

**26** For an early and influential decision regarding the particular protections against sexual harm by a regional court, see: European Court of Human Rights, X AND Y v. The Netherlands, 26 March 1985.

**27** **Convention on the Rights of the Child**, Art. 34: States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, State Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) the inducement or coercion of a child to engage in any unlawful sexual activity; (b) the exploitative use of children in prostitution or other unlawful sexual practices; (c) the exploitative use of children in pornographic performances and materials.

**28** **Universal Declaration of Human Rights**, Art. 29: (1) Everyone has duties to the community in which alone the free and full development of his personality is possible. (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations. Available at: [www.un.org/Overview/rights.html](http://www.un.org/Overview/rights.html)

**29** **International Covenant on Economic, Social and Cultural Rights**, Art. 12: 1. The States Parties to the present Covenant

recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. 2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for: (1) the provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child; (2) the improvement of all aspects of environmental and industrial hygiene; (3) the prevention, treatment and control epidemic, endemic, occupational and other diseases; (4) the creation of conditions which would assure to all medical service and medical attention in the event of sickness.

See also, Committee on Economic, Social and Cultural Rights, General Comment 14: The right to the highest attainable standard of health, UN Document E/C.12/2000/4 11 August 2000, at paras. 28–29.

- 30** Work must be done to change those limitations established by law that do not comply with the purposes and legitimate aims expressed in this Principle.

See: **CLADEM Manifesto** (2nd version, Campaign for a Convention on sexual rights and reproductive rights October 2006), at p. 33.  
[www.convencion.org.uy](http://www.convencion.org.uy)

- 31** The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies at: [www.undp.org/governance/docs/HR\\_Guides\\_CommonUnderstanding.pdf](http://www.undp.org/governance/docs/HR_Guides_CommonUnderstanding.pdf)
- 32** The concepts of ‘respect, protect and fulfil’ have been adopted by the Committee on Economic, Social and Cultural Rights, the body that monitors the International Covenant on Economic, Social and Cultural Rights, as a way of analysing the obligations of States parties under the Covenant, in relation to the right to health among other rights. Committee on Economic Social and Cultural Rights

(CESCR) General Comment No. 14, paras. 34–37.

**33** See CESCR, General Comment No. 14, para. 39.

**34 Universal Declaration of Human Rights**, 1948, Art. 1: All human beings are born free and equal in dignity and rights.

**35 International Covenant on Civil and Political Rights**,

Art. 2 (1): Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Art. 3: The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Art. 26: All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The Human Rights Committee has also interpreted and applied these provisions to discrimination based on sex. See HRC General Comment 18: Non-Discrimination, UN Doc. HRI/GEN/1/Rev.6 at 146, 2003.

**Convention on the Elimination of All Forms of Discrimination Against Women**, 1979, Art 1: For the purposes of the present

Convention, the term ‘discrimination against women’ shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition,

enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

See, the Committee on the Elimination of All Forms of Racial Discrimination's General Recommendation 25, UN Doc A/55/18, 2000. See also, the UN Economic and Social Council's Background Paper for the World Conference against Racism (1999) E/CN.4/1999/WG.1/BP.7 which addresses links between race discrimination and sexual orientation discrimination.

**Convention on the Rights of the Child**, 1989, Art. 2 (1): States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. ( 2) States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

**Convention on the Rights of Persons with Disabilities**, Art. 1, 2, 3 and 4; as well as the specific prohibition of discrimination in Art. 5: Equality and non-discrimination: 1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law. 2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

See also, Art. 2 of the **Convention on the Rights of Persons with Disabilities** defines ‘Discrimination on the basis of disability’ as any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including the denial of reasonable accommodation.

- 36** Specific sources for prevention of discrimination on the basis of sexuality and on sexual orientation in particular can be found in the Human Rights Committee decision at its Fiftieth Session in *Toonen v. Australia*, Communication No. 488/1992, U.N. Doc CCPR/C/50/D/488/1992 (1994); <http://hrw.org/lgbt/pdf/toonen.pdf>. and in subsequent communications and concluding comments to states by the Human Rights Committee.

Also I., Saiz (2004) *Bracketing Sexuality: Human Rights and Sexual Orientation – A Decade of Development at the UN*. 7 (2) *Health and Human Rights Quarterly*, pp. 49–80.

For women denied equality owing to beliefs about their sexuality, see the Human Rights Committee’s General Comment No. 28 on the interpretation and reach of Article 3 of the ICCPR: Equality of rights between men and women (2000) UN Doc. CCPR/C/21/Rev.1/Add.10.

- 37** United Nations (2003) *Statement of Common Understanding: The Human Rights Based Approach to Development Cooperation – Towards a Common Understanding Among the UN Agencies*. UN Inter-Agency Workshop, May 2003.
- 38** See *Convention on the Elimination of All Forms of Discrimination against Women*, Art 7: States Parties shall take all appropriate

measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: a. to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; b. to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; c. to participate in non-governmental organizations and associations concerned with the public and political life of the country.

This is further articulated in the CEDAW Committee's General Recommendation 23 on 'Political and Public Life' at its 16th Session in 1997.

See also, Yogyakarta Principle 25: The Right to Participate in Public Life – Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity.

- 39** International Guidelines on HIV-AIDS and Human Rights (2006 consolidated version). Office of the High Commissioner for Human Rights and UNAIDS: [www.ohchr.org/english/issues/hiv/guidelines.htm](http://www.ohchr.org/english/issues/hiv/guidelines.htm)
- 40** See the Committee on the Convention on the Rights of the Child's General Comment 4 'Adolescent health and development in the context of the Convention on the Rights of the Child' (2003) para 8: Respect for the views of the child: The right to express views freely and have them duly taken into account (Art. 12) is also fundamental in realizing adolescents' right to health and development. States parties need to ensure that adolescents are given a genuine chance to express their views freely on all matters affecting them, especially within the family, in school, and in their communities. In order for adolescents to be able safely and properly to exercise this right, public authorities,

parents and other adults working with or for children need to create an environment based on trust, information sharing, the capacity to listen and sound guidance that is conducive for adolescents' participating equally including in decision-making processes.

**41** See, in the context of sex discrimination and mobility, the Human Rights Committee's General Comment 28 on Equality of rights between men and women.

See also, Yogyakarta Principle 22 on the Right to Freedom of Movement, as well as the International Guidelines on HIV-AIDS and Human Rights of 2006.

**42 International Covenant on Civil and Political Rights, 1966,** Art. 9.1: Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.

**43 International Covenant on Civil and Political Rights, 1966,** Art. 7: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation."

The Committee against Torture has applied the protections against torture and cruel, inhuman and degrading treatment to sexual violence against women in prison in the US. UN (2000) Conclusions and Recommendations of the Committee against Torture: United States of America. Doc. A/55/44, paras 175–180.

The Committee has also applied the protections against torture and cruel, inhuman and degrading treatment to abusive strip searches and other practices directed at homosexual or gender-non-conforming persons.

The Special Rapporteur against Torture has likewise expressed grave concerns regarding the employment of sexual assault as well as torture and cruel, inhuman and degrading treatment directed at persons because of their sexual or gender identity. See, International Court of Justice Reference Guide pages 106–122. UN Doc. E/CN.4/2002/76.

- 44** The right to bodily integrity is increasingly used to capture the range of guarantees needed to protect all persons, and especially women, against violence and other abuses that lead to diminution of health, self-sovereignty and freedom from torture. See, United Nations Fourth World Conference on Women’s Platform for Action (FWCW), Beijing, China: 4–15 September 1995, at para. 112. See also, UN Secretary-General’s In-depth Study on All Forms of Violence against Women with regard to its focus on rights to bodily integrity. UN DOC. A/162/122/Add., at para. 277.
- 45** UN General Assembly Resolution A/Res/S-23/3, para. 69 on the Outcome of the Five-year Review of the Implementation of the Beijing Declaration and Platform for Action at: [www.un.org/womenwatch/daw/followup/ress233e.pdf](http://www.un.org/womenwatch/daw/followup/ress233e.pdf)
- 46** See, Report of the Special Representative of the Secretary-General on the Situation of Human Rights Defenders, E/CN.4/2006/95/Add.1, March 22, 2006; Special Rapporteur on violence against Women, its causes and consequences; E/CN.4/2005/72/Add. 3, February 10, 2005, para. 21; Human Rights Committee, Concluding observations: Chile, CCPR/C/79/Add.104, March 30, 1999, para. 20; Report of the Special Rapporteur on extrajudicial executions, E/CN.4/2002/74, January 9, 2002; Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2001/9, January 11, 2001 and E/CN.4/2001/9/Add.1, January 17, 2001, para. 175.

See also, International Commission of Jurists, Sexual Orientation and Gender Identity in Human Rights Law, References to Jurisprudence and Doctrine of the United Nations Human Rights System, October 2007, at: [www.icj.org/news.php?id\\_article=4209&lang=en](http://www.icj.org/news.php?id_article=4209&lang=en)

- 47 This issue is clearly reflected in international human rights law, see for example: Commission on the Status of Women Resolution 51/2 on Ending Female Genital Mutilation and Resolution 51/3 on Forced Marriage of the Girl Child UN Doc. E/2007/27-E/CN.6/2007/9; Report of the Special Rapporteur on Violence Against Women: **Cultural practices in the family that are violent towards women**, E/CN.4/2002/83 31 January 2002.
- 48 International Guidelines on HIV-AIDS and Human Rights ,2006 consolidated version, Office of the UN High Commissioner for Human Rights and UNAIDS at: <http://www.ohchr.org/english/issues/hiv/guidelines.htm>  
Also Sex workers in Europe Manifesto and the Declaration of the Rights of Sex Workers in Europe, at: [http://www.sexworkeurope.org/site/index.php?option=com\\_content&task=view&id=24&Itemid=201](http://www.sexworkeurope.org/site/index.php?option=com_content&task=view&id=24&Itemid=201)
- 49 See International Guidelines on HIV-AIDS and Human Rights (2006) consolidated version, Office of the High Commissioner for Human Rights and UNAIDS at: [www.ohchr.org/english/issues/hiv/guidelines.htm](http://www.ohchr.org/english/issues/hiv/guidelines.htm)  
See also, Yogyakarta Principle 7.
- 50 See Yogyakarta Principle 5.
- 51 Commission on Human Rights resolution 1998/52, The elimination of violence against women, ESCOR Supp. (No. 3) at 171, UN Doc. E/CN.4/1998/52 (1998); Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Ms. Radhika

Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 1997/44. UN Doc E/CN.4/1998/54

For comments about gender-based persecution regarding gay-identified or non-gender conforming persons (transgender, transsexuals) and asylum, see: Report of the Special Rapporteur on extrajudicial executions, E/CN.4/2002/74, January 9, 2002; Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2001/9, January 11, 2001 and E/CN.4/2001/9/Add.1, January 17, 2001, para. 175.

See also, International Commission of Jurists in: *Sexual Orientation and Gender Identity in Human Rights Law, References to Jurisprudence and Doctrine of the United Nations Human Rights System*, October 2007, pp 177–180; at: [www.icj.org/news.php3?id\\_article=4209&lang=en](http://www.icj.org/news.php3?id_article=4209&lang=en)

**52** The United Nations High Commissioner for Refugees (1995) *Guidelines on Preventing and Responding to Sexual Violence against Refugees* [www.unhcr.org/publ/PUBL/3b9cc26c4.pdf](http://www.unhcr.org/publ/PUBL/3b9cc26c4.pdf)

See also, Yogyakarta Principle 23.

**53** The United Nations High Commissioner for Refugees (1995) *Guidelines on Preventing and Responding to Sexual Violence against Refugees* [www.unhcr.org/publ/PUBL/3b9cc26c4.pdf](http://www.unhcr.org/publ/PUBL/3b9cc26c4.pdf)

See also, the United Nations High Commissioner for Refugees (2003) *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response*, and Yogyakarta Principle 23.

**54** **International Covenant on Civil and Political Rights**, Art. 17: No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

- 55 See: WHO (2004) *HIV Status Disclosure to Sexual Partners: Rates, Barriers and Outcomes for Women*. Geneva: WHO. [www.who.int/gender/documents/en/VCTinformationsheet\\_%5b92%20KB%5d.pdf](http://www.who.int/gender/documents/en/VCTinformationsheet_%5b92%20KB%5d.pdf)  
For full report: [www.who.int/gender/documents/en/genderdimensions.pdf](http://www.who.int/gender/documents/en/genderdimensions.pdf)
- 56 Yogyakarta Principle 9.
- 57 Ibid.
- 58 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime at: [www.unodc.org/unodc/en/crime\\_cicp\\_convention.html#final](http://www.unodc.org/unodc/en/crime_cicp_convention.html#final)
- 59 Yogyakarta Principle 19.
- 60 Universal Declaration of Human Rights, 1948, Art. 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.
- 61 Yogyakarta Principle 19.
- 62 **Universal Declaration of Human Rights**, Art. 20: Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.
- 63 **International Covenant on Economic, Social and Cultural Rights**, Art. 12.1: State Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
- 64 Committee on Economic, Social and Cultural Rights' General Comment 14: The right to the highest attainable standard of health (Art. 12 of the International Covenant on Economic, Social and Cultural Rights, 2000).

- 65** IPPF Charter on Sexual and Reproductive Rights at: [www.ippf.org/en/Resources/Statements/IPPF+Charter+on+Sexual+and+Reproductive+Rights.htm](http://www.ippf.org/en/Resources/Statements/IPPF+Charter+on+Sexual+and+Reproductive+Rights.htm)  
Also Yogyakarta Principle 21.
- 66** **International Covenant on Economic, Social and Cultural Rights**, Art. 15.1(b): The State Parties to the present Covenant recognize the right of everyone... (b) to enjoy the benefits of scientific progress and its applications.
- 67** **Convention on the Elimination of all Forms of Discrimination against Women**, Art. 10(h): State Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women: ... (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.
- 68** See International Conference on Population and Development, Key Actions for the further Implementation of the Programme of Action of the International Conference on Population and Development, UN Doc. A/Res/S-21/2, para. 73:  
Governments, with the full involvement of young people and with the support of the international community, should, as a priority, make every effort to implement the Programme of Action in regard to adolescent sexual and reproductive health, in accordance with paragraphs 7.45 and 7.46 of the Programme of Action, and should... With due respect for the rights, duties and responsibilities of parents and in a manner consistent with the evolving capacities of the adolescent and

their right to reproductive health education, information and care, and respecting their cultural values and religious beliefs, ensure that adolescents, both in and out of school, receive the necessary information, including information on prevention, education, counselling and health services to enable them to make responsible and informed choices and decisions regarding their sexual and reproductive health needs, in order, inter alia, to reduce the number of adolescent pregnancies.  
[www.unfpa.org/icpd/docs/icpd5/resolution/icpd5\\_eng.pdf](http://www.unfpa.org/icpd/docs/icpd5/resolution/icpd5_eng.pdf)

69 IPPF Charter on Sexual and Reproductive Rights, 8.1, at:

[www.ippf.org/en/Resources/Statements/IPPF+Charter+on+Sexual+and+Reproductive+Rights.htm](http://www.ippf.org/en/Resources/Statements/IPPF+Charter+on+Sexual+and+Reproductive+Rights.htm)

70 Yogyakarta Principle 24

**71 Convention on the Elimination of all Forms of Discrimination Against Women**, Art. 16(1)(e): State Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: ... (e) the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights.

72 Yogyakarta Principle 28 and Yogyakarta Principle 29.

Sexual rights:  
an IPPF declaration  
Abridged version

# Preamble

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

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

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

**FOR USE BY IPPF AND ITS  
MEMBER ASSOCIATIONS**

# Principles

## Principle 1

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

## Principle 2

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

## Principle 3

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

## Principle 4

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

## Principle 5

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

## Principle 6

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

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

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

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

## Principle 7

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

# Articles

## Article 1

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

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

## Article 2

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

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

## Article 3

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

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

- All migrants must have access to protection from bodily harm and violence based on their sexual and gender expressions.
- Everyone has the right to seek and enjoy asylum and protection from persecution on the basis of their sex, sexual orientation or HIV status.
- No one should be deported if they have a well-founded fear of persecution based on their sexuality or HIV status.

## Article 4

### Right to privacy

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

## Article 5

### Right to personal autonomy and recognition before the law

- Everyone has the right to be recognised before the law and to sexual freedom.

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

## Article 6

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

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

## Article 7

### Right to health and to the benefits of scientific progress

- Everyone has the right to enjoy the highest standards of sexual health.

- Everyone has the right to insist on safer sex practices for the prevention of unwanted pregnancies and sexually transmitted infections, including HIV.
- All persons have the right to take part in the establishment of laws and policies that affect public health in their communities.
- Every health intervention should take into consideration the special needs of marginalised individuals and communities.
- Everyone has the right to access health care services even if there are health service providers who object.
- Everyone has the right to access information about sexual health and to have access to the best health services based on scientifically valid research.
- Sex workers have the right to safe working conditions and the ability to insist on safe sex practices in their work place.
- Those in armed conflict or those on forced displacement should have access to sexual and reproductive health services.
- Everyone has the right to enjoy the benefits of scientific progress in health and the impact that this has on sexual rights and sexual health.
- Everyone has the right to access or refuse reproductive health and other medical technologies without discrimination. Any age-based restrictions to this right must not contravene the principles of non-discrimination and the evolving capacity of the child.
- Everyone has the right to participate or to refuse to be part of scientific research on an equal basis with others and without discrimination.

## Article 8

### Right to education and information

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

## Article 9

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

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

## Article 10

### Right to accountability and redress

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

# Concluding note

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

Sexual rights:  
an IPPF declaration  
Resources



### **The Truth about Men, Boys and Sex (2009)**

This publication aims to inspire and assist programme developers, project managers and service providers to strengthen their work on men's sexual and reproductive health – as an essential ingredient of gender-transformative programming. Available in English and Japanese at: <http://www.ippf.org/en/Resources/Guides-toolkits/The+truth+about+men+boys+and+sex.htm>

### **From Evidence to Action: Advocating for Comprehensive Sexuality Education (2009)**

This is an advocacy guide for young people to strengthen public and political commitment and support for their sexual and reproductive health and rights. It is available as part of the five part INSPIRE series in English at: <http://www.ippf.org/en/Resources/Guides-toolkits/From+evidence+to+action+advocating+for+comprehensive+sexuality+education.htm>

### **Advancing the Sexual and Reproductive Health and Human Rights of People Living with HIV – A Guidance Package (2009)**

A partnership publication: GNP+, ICW, Young Positives, EngenderHealth, IPPF and UNAIDS. This guidance package, developed by people living with HIV, describes the important issues and key areas for change.

<http://www.ippf.org/NR/rdonlyres/45AED50A-9A04-490C-B5F2-9F2236BA780E/0/AdvancingSexualReproductiveHealthHumanRightsHIV.pdf>

### **The Impact of HIV-related Restrictions on Entry, Stay and Residence: An Annotated Bibliography (2009)**

Published by UNAIDS this bibliography documents the impact of HIV-related restrictions. Available at: [http://data.unaids.org/pub/Report/2009/jc1729\\_bibliography\\_en.pdf](http://data.unaids.org/pub/Report/2009/jc1729_bibliography_en.pdf)

### **Sexual Rights: An IPPF Declaration (2008)**

The Declaration is available in Albanian, Arabic, Bahasa Indonesian, Bahasa Malaysian, Bangla, Bosnian, Bulgarian, English, Estonian, French, German, Macedonian, Nepalese, Portuguese, Russian, Spanish and Urdu (more languages available soon) at: <http://www.ippf.org/en/Resources/Statements/Sexual+rights+an+IPPF+declaration.htm>

### **The Criminalization of HIV (2008)**

In many countries the transmission of HIV can be a criminal offence – and in some countries even exposing someone to HIV can be prosecutable. Available in English, French and Spanish at: <http://www.ippf.org/en/Resources/Reports-reviews/The+criminalisation+of+HIV.htm>

### **Verdict on a Virus (2008)**

A partnership publication with GNP+ and ICW. this guide is for anyone who wants to know more about the criminalization of HIV transmission or exposure and the related health, human rights and legal implications. Available in English and French at: <http://www.ippf.org/en/Resources/Guides-toolkits/Verdict+on+a+virus.htm>

### **Stigma Index User Guide (2008)**

A partnership publication from IPPF, GNP+, ICW, UNAIDS. The User Guide was created for teams implementing the People Living with HIV Stigma Index in their communities. The User Guide is available in English, Spanish, French, Arabic, Chinese, Russian and Portuguese at: <http://www.stigmaindex.org/90/publications/the-people-living-with-hiv-stigma-index-user-guide.html>

### **Access to Safe Abortion: A Tool for Assessing the Legal and other Obstacles (2008)**

This guide is an assessment tool that professionals and other interested people can use to become aware of legal and other obstacles that make access to safe abortion difficult or impossible. Available in English, French and Arabic (2009) at: <http://www.ippf.org/NR/rdonlyres/6649ED84-2EA1-4C88-8A86-CA19BBB19463/0/AbortionLawToolkit.pdf>

### **First Trimester Abortion: Guidelines and Protocols for Surgical and Medical Procedures (2008)**

This document provides a broad framework to ensure that no aspect of care is overlooked when providing comprehensive abortion care in the first trimester of pregnancy and is intended to support service providers to offer high quality, rights-based abortion and related services. Available in English, French and Arabic (2009) at: [http://www.ippf.org/NR/rdonlyres/D84AFDB1-B6CC-4899-8E3C-5D3392A85F8F/0/abortion\\_protocol.pdf](http://www.ippf.org/NR/rdonlyres/D84AFDB1-B6CC-4899-8E3C-5D3392A85F8F/0/abortion_protocol.pdf)

### **Ending Child Marriage: A Guide for Global Policy Action (2006)**

This guide written in partnership with Young Positives, UNFPA and GCWA appeals to key policy makers to improve the quality of life of millions of girls and young women forced into child marriages. It is available at: <http://www.ippf.org/NR/rdonlyres/8415A7E9-0833-4500-AE53-9AA09F1A56D8/0/endchildmarriage.pdf>

### **Death and Denial: Unsafe Abortion and Poverty (2006)**

This report highlights the untold cost of unsafe abortion, dealing with a subject where rational debate and considered action are much needed. Available in English, French, Spanish and Japanese at [http://www.ippf.org/NR/rdonlyres/8D4783F5-D516-47D3-8B34-61F6D510202A/0/Death\\_Denial\\_unsafe\\_abortion\\_poverty.pdf](http://www.ippf.org/NR/rdonlyres/8D4783F5-D516-47D3-8B34-61F6D510202A/0/Death_Denial_unsafe_abortion_poverty.pdf)

### **A Young Person's Guide to Rights**

This leaflet produced in conjunction with other NGOs makes the links between the rights, as laid out in the UN Convention on the Rights of a Child (CRC) in 1989, and sexual and reproductive rights. Available in English at: <http://www.ippf.org/NR/ronlyres/1F0F2AA6-5A35-4771-8222-E002874748F1/0/Ayoungpersonsguide.pdf>

### **Framework for Comprehensive Sexuality Education (2006)**

As well as providing an in-depth overview of Comprehensive Sexuality Education (CSE), this document aims to inspire thought and spark discussion by providing people with a basic planning framework for CSE. Available in: English, French and Spanish at <http://www.ippf.org/NR/ronlyres/CE7711F7-C0F0-4AF5-A2D5-1E1876C24928/0/Sexuality.pdf>

### **Dreams and Desires – Sexual and Reproductive Health Experiences of HIV Positive Women (2006)**

This is a partnership publication between IPPF and ICW which includes thirteen stories from women around the world, highlighting what it means to be a sexually active HIV positive woman. It is available in English at: <http://www.ippf.org/en/Resources/Reports-reviews/Dreams+and+Desires.htm>

### **A Framework for Priority Linkages (2005)**

This framework proposes a set of key policy and programme actions to strengthen linkages between sexual and reproductive health and HIV and AIDS programmes. Available in English, French, Spanish, Arabic and Russian at: <http://www.ippf.org/en/Resources/Guides-toolkits/A+Framework+for+Priority+Linkages.htm>

### **Fulfilling Fatherhood – Experiences from HIV Positive Fathers (2005)**

This is a partnership publication between IPPF and GNP+. Revealed for the first time in this booklet are thirteen honest, candid and highly personal stories which seek to highlight the lives of HIV positive fathers, and to serve as a catalyst for the greater involvement of men in sexual and reproductive health issues. Available in English at: <http://www.ippf.org/en/Resources/Reports-reviews/Fulfilling+Fatherhood.htm>

### **IPPF Charter on Sexual and Reproductive Rights (1995)**

This Charter represented IPPF's response to the challenge of applying internationally agreed human rights language to sexual and reproductive health and rights issues. Available in English at: <http://www.ippf.org/NR/rdonlyres/6C9013D5-5AD7-442A-A435-4C219E689F07/0/charter.pdf>

## Platform for Action of the Fourth World Conference on Women (1995)

Available at: <http://www.un.org/womenwatch/daw/beijing/platform/>

## Programme of Action of the International Conference on Population and Development (1994)

Available at: <http://www.unfpa.org/icpd/summary.cfm>

## Sexual Rights in Action: Case studies from Around the World (2009)

Sexual rights, by which we mean the norms that emerge when existing human rights are applied to sexuality, must be affirmed and respected. The people who share their stories in this publication demonstrate why we are fighting for sexual rights. Respect for sexual rights makes a critical contribution to poverty reduction and development. Sexual rights reinforce equality and dignity, without which none of us can fulfil our potential.

Available at: <http://www.ippf.org/en/Resources/Reports-reviews/sexual+rights+in+action.htm>



Sexual rights:  
an IPPF declaration  
Glossary of terms



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

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

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

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

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

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

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

**Gender equality:** The measurable equal representation of women and men. Gender equality does not imply that women and men are the same, but that they have equal value and should be accorded equal treatment.

**Gender equity:** The application of fairness or justice in all gender issues, including both the composition of power structures and to social divisions of labour. In reproductive health, for example, women bear the larger share of costs, dangers and burdens.

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

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

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

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

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

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

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

**Sexuality:** is a central aspect of being human throughout life and encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction. Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviours, practices, roles and relationships.

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

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

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

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

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Important Human  
Rights documents



## International Bill of Human Rights:

- Universal Declaration of Human Rights (UDHR) at: <http://www.un.org/en/documents/udhr/>
- International Covenant on Civil and Political Rights (ICCPR) and its 2 Optional Protocols at: <http://www2.ohchr.org/english/law/ccpr.htm>
- International Covenant on Economic, Social and Cultural Rights (ICESCR) at: <http://www2.ohchr.org/english/law/cescr.htm>

## Core International Human Rights Instruments:

- International Convention on the Elimination of All forms of Racial Discrimination (ICERD) at <http://www2.ohchr.org/english/law/cerd.htm>
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol at <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>
- Convention against Torture and other forms of Cruel, Inhuman or Degrading Treatment (CAT) and its Optional Protocol at <http://www2.ohchr.org/english/law/cat-one.htm>
- Convention on the Rights of the Child (CRC) and its 2 Optional Protocols at <http://www2.ohchr.org/english/law/crc.htm>
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) at <http://www2.ohchr.org/english/law/cmw.htm>

- Convention on the Rights of Persons with Disabilities at <http://www.un.org/disabilities/convention/conventionfull.shtml>
- International Convention for the Protection of All Persons from Enforced Disappearance at <http://www2.ohchr.org/english/law/disappearance-convention.htm>

In addition to the core Human Rights Treaties, there are a number of international human rights instruments that are, although not legally binding, an undeniable moral force and provide practical guidance to States in their conduct. These include:

- Vienna Declaration and Programme of Action at: [http://www.unhcr.ch/huridocda/huridoca.nsf/\(symbol\)/a.conf.157.23.en](http://www.unhcr.ch/huridocda/huridoca.nsf/(symbol)/a.conf.157.23.en)
- United Nations Millennium Declaration at: <http://www.un.org/millennium/declaration/ares552e.htm>
- United Nations Declaration on the Elimination of Violence Against Women at: <http://www.un.org/documents/ga/res/48/a48r104.htm>
- United Nations Declaration on the Right to Development at: <http://www.un.org/documents/ga/res/41/a41r128.htm>
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages at: <http://www2.ohchr.org/english/law/convention.htm>
- Declaration of Commitment on HIV/AIDS at: <http://www.un.org/ga/aids/coverage/FinalDeclarationHIVAIDS.html>
- The Yogyakarta Principles at <http://www.yogyakartaprinciples.org/>



Sexual rights:  
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