

### ***Proposed Definition of sexual rights for international documents:***

Sexual rights embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. They rest on the recognition that all individuals have the right, free of coercion, violence and discrimination of any kind: to the highest attainable standard of sexual health; to pursue a satisfying, safe, and pleasurable sexual life; to have control over and decide freely, and with due regard for the rights of others, on matters related to their sexuality, reproduction, sexual orientation, bodily integrity, choice of partner, and gender identity; and to the services, education and information, including comprehensive sexuality education, necessary to do so.

### ***Existing definitions of Sexual Rights***

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#### *International Agreements:*

##### **Montevideo Consensus on Population and Development<sup>1</sup>:**

34. Promote policies that enable persons to exercise their sexual rights, which embrace the right to a safe and full sex life, as well as the right to take free, informed, voluntary and responsible decisions on their sexuality, sexual orientation and gender identity, without coercion, discrimination or violence, and that guarantee the right to information and the means necessary for their sexual health and reproductive health.

##### **Asian and Pacific declaration on population and development<sup>2</sup>:**

OP7. *Recognize* that sexual and reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents and rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, the right to attain the highest standard of sexual and reproductive health, the right to make decisions concerning reproduction free of discrimination, coercion and violence, and the right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence;

#### *Other foundational agreements:*

##### **International Conference on Population and Development (ICPD) Programme of Action (1994):**

Chapter 7, A. Reproductive rights and reproductive health, Para 7.2. Reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the rights of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a health infant; It also includes sexual health, the purpose of which is the enhancement of life and personal relations, and not merely counselling and care related to reproductive and sexually transmitted diseases.

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<sup>1</sup> First Session of the Regional Conference on Population and Development in Latin America and the Caribbean, Montevideo, Uruguay; 12-15 August 2013.

<sup>2</sup> Sixth Asian and Pacific Population Conference, Bangkok, Thailand; 16-20 September 2013.

Chapter 7, A. Reproductive rights and reproductive health Para 7.3. Bearing in mind the above definition, reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the rights to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents. (...)

Chapter 7, D Human sexuality and gender relations, Para 7.36 b. The objectives are...To ensure that women and men have access to the information, education and services needed to achieve good sexual health and exercise their reproductive rights and responsibilities.

### **Beijing Platform for Action (1995):**

Para 96. The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence

### ***Additional Explanations of sexual rights***

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#### **UN Women:**

Key aspects of **sexual rights** include human rights that are already recognized in national laws, international human rights documents and other consensus documents. These include the right of all persons, free of coercion, discrimination and violence, to: the highest attainable standard of health in relation to sexuality, including access to sexual and reproductive healthcare services; seek, receive and impart information in relation to sexuality; sexuality education; respect for bodily integrity; choice of 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.<sup>3</sup>

#### **UNFPA<sup>4</sup>:**

International understanding about sexual and reproductive rights has broadened considerably in recent years. The ICPD Programme of Action 1 and the Beijing Platform for Action 2 recognize sexual and reproductive rights as inalienable, integral and indivisible parts of universal human rights. Sexual and reproductive rights are also a cornerstone of development. Attaining the goals of sustainable, equitable development requires that people are able to exercise control over their sexual and reproductive lives. The most important sexual and reproductive rights include:

- Reproductive and sexual health as a component of overall health, throughout the life cycle, for both men and women;

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<sup>3</sup>This definition was offered by UN Women's Policy Director Saraswathi Menon in a speech during CSW58 (2014), at a side event hosted by IPPF entitled "Sexual and Reproductive Health and Rights - A Crucial Agenda for the post-2015 Framework" (speech given 10 March 2014, copy on file with IWHC).

<sup>4</sup> UNFPA argues that, at the UN conferences of the 1990s (Cairo in 1994 and Beijing in 1995), the international community reached agreement on key concepts and definitions, including reproductive health, sexual health, reproductive rights, and sexual rights; [http://web.unfpa.org/intercenter/cycle/introduction.htm#What Are Sexual and Reproductive Rights?](http://web.unfpa.org/intercenter/cycle/introduction.htm#What%20Are%20Sexual%20and%20Reproductive%20Rights?)

- Reproductive decision-making, including voluntary choice in marriage, family formation and determination of the number, timing and spacing of one's children; and the right to have access to the information and means needed to exercise voluntary choice;
- Equality and equity for men and women, to enable individuals to make free and informed choices in all spheres of life, free from discrimination based on gender;
- Sexual and reproductive security, including freedom from sexual violence and coercion, and the right to privacy.

**UN High Commissioner for Human Rights:<sup>5</sup>**

Sexual and reproductive rights are human rights. They are not new rights, and they are not optional. At the very core of these rights is the right to autonomy, which involves deeply personal issues such as whether, when, how and with whom any individual chooses to have sex; whether, when, and whom one chooses to marry; whether, when, how and with whom one chooses to have children; and how we choose to express gender and sexuality.

**World Health Organization:**

There is a growing consensus that sexual health cannot be achieved and maintained without respect for, and protection of, certain human rights. The working definition of sexual rights given below is a contribution to the continuing dialogue on human rights related to sexual health.

“The fulfilment of sexual health is tied to the extent to which human rights are respected, protected and fulfilled. Sexual rights embrace certain human rights that are already recognized in international and regional human rights documents and other consensus documents and in national laws.

Rights critical to the realization of sexual health include:

- the rights to equality and non-discrimination
- the right to be free from torture or to cruel, inhumane or degrading treatment or punishment
- the right to privacy
- the rights to the highest attainable standard of health (including sexual health) and social security
- the right to marry and to found a family and enter into marriage with the free and full consent of the intending spouses, and to equality in and at the dissolution of marriage
- the right to decide the number and spacing of one's children
- the rights to information, as well as education
- the rights to freedom of opinion and expression, and
- the right to an effective remedy for violations of fundamental rights.

The application of existing human rights to sexuality and sexual health constitute sexual rights. Sexual rights protect all people's rights to fulfill and express their sexuality and enjoy sexual health,

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<sup>5</sup> Remarks by UN High Commissioner for Refugees Navi Pillay at side event, “Celebrating Cairo and Going Beyond,” organized by the High-Level Task Force for the International Conference on Population and Development (ICPD) the Commission on Population and Development (speech given 8 April 2014)  
<http://icpdtaskforce.org/news-events/celebrating-cairo-going-beyond.html>

with due regard for the rights of others and within a framework of protection against discrimination." (WHO, 2006a, updated 2010)<sup>6,7</sup>

Sexuality is defined as "central aspect of being human throughout life 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. While sexuality can include all of these dimensions, not all of them are always experienced or expressed. Sexuality is influenced by the interaction of biological, psychological, social, economic, political, cultural, legal, historical, religious and spiritual factors." (WHO, 2006a, updated 2010)<sup>1</sup>

**ICPD Global Youth Forum, Bali Declaration (2012):**

Governments must fund and develop, in equal partnership with young people and health care providers, policies, laws, and programs that recognize, promote, and protect young peoples' sexual rights as human rights. This must be developed in accordance with the principles of human rights, non-discrimination, respect, equality and inclusivity, with a gendered, multicultural and secular approach.<sup>8</sup>

Governments, together with other stakeholders, should guarantee an environment free from all forms of harmful traditional practices and psychological, physical and sexual violence, including gender based violence; violence against women; bullying in the home, school, workplace and community; sexual coercion; and female genital mutilation, amongst others. Support must be provided for victims of violence including free counseling, services and legal redress.

Cultural and religious barriers such as parental and spousal consent, and early and forced marriages, should never prevent access to family planning, safe and legal abortion, and other reproductive health services – recognizing that young people have autonomy over their own bodies, pleasures, and desires.

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<sup>6</sup> [http://www.who.int/reproductivehealth/topics/sexual\\_health/sh\\_definitions/en/](http://www.who.int/reproductivehealth/topics/sexual_health/sh_definitions/en/); (2006);  
[http://www.who.int/reproductivehealth/publications/sexual\\_health/defining\\_sexual\\_health.pdf](http://www.who.int/reproductivehealth/publications/sexual_health/defining_sexual_health.pdf) (2002)

<sup>7</sup> This definition does not represent an official WHO position, and should not be used or quoted as WHO definitions.

<sup>8</sup> With reference to the WHO working definition of sexual rights, the Yogyakarta Principles, and Sexual Rights: an IPPF Declaration