

SEXUAL RIGHTS: AN IPPF DECLARATION

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.¹ 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.

Sexual Rights: an IPPF 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 rights² and that sexual and reproductive health are integral elements of the rights of everyone to the enjoyment of the highest attainable standard of physical and mental health.³ 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 recognised 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.⁴

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.⁵

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 **Sexual Rights: an IPPF 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.

Sexual Rights: an IPPF 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 recognise, and to account for, such situations.⁶

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.⁷

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,⁸ inequality,⁹ gender inequity,¹⁰ gender inequality,¹¹ 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- amongst 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,¹² 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 recognises 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;¹³ the best interests of the child;¹⁴ the evolving capacities of the child;¹⁵ non-discrimination;¹⁶ and the responsibility for ensuring conditions for thriving¹⁷.

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 underlines all human rights protection and promotion

IPPF understands that a framework of non-discrimination underlines all human rights protection and promotion¹⁸ This framework of non-discrimination prohibits any distinction, exclusion or restriction on the basis of sex;¹⁹ age;²⁰ gender;²¹ gender identity;²² sexual orientation;²³ 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.²⁴

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 marginalised and underserved 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.²⁵ 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.²⁶ 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 adolescents²⁷ 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

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,²⁸ public health and public order, according to human rights law.²⁹ 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.³⁰

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.³¹ As with other human rights, states have obligations on three levels: to *respect*, *protect* and *fulfil* the sexual rights of all.³²

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.³³

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 recognise 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, marginalised, the socially-excluded and underserved, 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 rights³⁴ and must enjoy the equal protection of the law³⁵ against discrimination based on their sexuality, sex or gender.³⁶

- 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.³⁷

- All persons are entitled to participate in the development and implementation of policies that determine their welfare,³⁸ including their sexual and reproductive health, without formal or informal barriers such as marriage qualifications, HIV conditionalities³⁹, 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.⁴⁰
- 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.⁴¹

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

All persons have the right to life, liberty⁴² and to be free of torture and cruel, inhuman and degrading treatment⁴³ 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,⁴⁴ these rights shall not be threatened or be put at risk to “avenge the honour” of a family.⁴⁵
- 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.⁴⁶
- 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.
- All persons have the right to be free from harmful traditional practices, including female genital mutilation and forced or early marriage.⁴⁷
- 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 genders⁴⁸ 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.⁴⁹
- 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 harassment⁵⁰.
- 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,⁵¹ on the basis of sex, gender, gender identity, sexual history or behaviour or sexual orientation or HIV status.⁵²
- 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.⁵³

Article 4. Right to privacy

All persons have the right not to be subjected to arbitrary interference with their privacy, family, home, papers or correspondence⁵⁴ 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.⁵⁵
- 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 marginalization⁵⁶ and to have regular conjugal visits.⁵⁷
- All persons shall enjoy freedom from the harms associated with the crime of trafficking.⁵⁸
- 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.⁵⁹

- All persons have the right to freedom of thought, conscience and religion,⁶⁰ 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.⁶¹
- 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 association⁶² 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,⁶³ which includes the underlying determinants of health⁶⁴ 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.⁶⁵
- 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 applications⁶⁶ 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 the 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.⁶⁷
- 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.⁶⁸

- 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.⁶⁹

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.⁷⁰

- 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.⁷¹
- 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 and, 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.⁷²

- 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 this 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:

<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 : <http://www.ohchr.org>

For the full discussion of sexual rights and sexual health by the WHO, see:

<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: <http://www.yogyakartaprinciples.org>

¹International 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 (not yet 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 recognising 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. A country situational analysis will be carried out by the MA, and will be documented. An agreement will be entered into between the Regional Director/Regional Executive Committee and the MA.

⁷ See P. Ilkkaracan and S. Jolly, *Gender and Sexuality: Overview Report* (BRIDGE: Institute for Development Studies, 2007) at:
http://www.bridge.ids.ac.uk/reports_gend_CEP.html#Sexuality

⁸Equity is fairness and justice in the distribution of benefits and responsibilities. The concept of gender equity recognises 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

¹³ The **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**, Article 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**, Article 2.1: State 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**, Article 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 on: "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 on "Gender-related dimensions of racial discrimination," UN Doc A/55/18, 2000.

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

<http://www.un.org/Overview/rights.html>.

²⁹ **International Covenant on Economic, Social and Cultural Rights**, Article 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.
<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

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, E/CN.4/1999/WG.1/BP.7 (1999) 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, Article 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.

See also, I. Saiz, “Bracketing Sexuality: Human Rights and Sexual Orientation—A Decade of Development at the UN”, 7 (2) *Health and Human Rights Quarterly*, 49-80, 2004 .

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”, UN Doc. CCPR/C/21/Rev.1/Add.10 (2000).

³⁷ United Nations, 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, for example, **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
<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. Conclusions and Recommendations of the Committee against Torture: United States of America. 2000; UN Doc. A/55/44, paras.175-180, 2000.

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/62/122/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: <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:

http://www.icj.org/news.php3?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>

See 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

⁴⁹ See, International Guidelines on HIV-AIDS and Human Rights, 2006 consolidated version, Office of the High Commissioner for Human Rights and UNAIDS at: <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: http://www.icj.org/news.php?id_article=4209&lang=en

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

See also, Yogyakarta Principle 23.

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

See also, the United Nations High Commissioner for Refugees (UNHCR) Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response (2003) 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, “HIV Status Disclosure to Sexual Partners: Rates, Barriers and Outcomes for Women” (Geneva: WHO, 2004).

http://www.who.int/gender/documents/en/VCTinformationsheet_%5b92%20KB%5d.pdf

For full report: <http://www.who.int/gender/documents/en/genderdimensions.pdf>

⁵⁶ See, Yogyakarta Principle 9.

⁵⁷ Yogyakarta Principle 9.

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:

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 recognise 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 (article 12 of the International Covenant on Economic, Social and Cultural Rights, 2000).

⁶⁵ IPPF Charter on Sexual and Reproductive Rights at: <http://www.ippf.org/en/Resources/Statements/IPPF+Charter+on+Sexual+and+Reproductive+Rights.htm>.

See 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.

http://www.unfpa.org/icpd/docs/icpd5/resolution/icpd5_eng.pdf

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