

Pacific Feminist SRHR Agenda and Advocacy for Sexual Minorities

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Introduction

Honorable Members of Parliament in Pacific Island States, Directors and Representatives of UNFPA and other UN agencies, representatives of IPPF and AFPPD, representatives of other inter-governmental agencies, civil society and women's organisations, distinguished guests and friends

I am grateful for this opportunity to contribute to this panel. I am speaking here as a representative of Development Alternatives with Women for a New Era (DAWN), a South feminist network of scholars and activists which has been working globally and regionally for almost 30 years to influence global policy thinking and the outcomes of intergovernmental conferences by sharing its analysis, based on research and consultations with women in the Global South. DAWN was centrally involved in UN preparatory processes for ICPD, in negotiations with governments in Cairo in 1994, and in all UN review processes on ICPD implementation. We were involved in the critical APPC meeting in Bangkok in 2002, where Asia Pacific countries successfully withstood strong US government efforts to undermine the ICPD. Our lead negotiator, Prof. Gita Sen, who together with Dame Carol Kidu is a member of the UNFPA High Level Taskforce for ICPD, was on the Indian delegation and played a key role at that meeting.

DAWN works to enlarge women's human rights by advocating for equitable, democratic, gender-just, and environmentally-sustainable development. This agenda is all the more urgent, post-2014. DAWN has been involved in several consultative processes with women's organisations and networks this year. Through the work of my DAWN colleague, Noelene Nabulivou, DAWN is involved in a loose coalition of Pacific feminists working on sexual and reproductive health and rights, which includes many young people and organizations working with young people. I know some of them present at this meeting and I hope you will have an opportunity to hear directly from them. I will confine my comments today largely to sharing the calls to action from a diverse gathering of Pacific feminists and activists, with a focus on sexual rights and health, specifically the rights of 'sexual minorities', and of young women in our region.

UNFPA's High Level Taskforce for ICPD reminds us that the ICPD Program of Action, adopted by 179 governments in 1994, "placed the human rights of women, including their **reproductive rights and health**, at the center of population and sustainable development."¹ The Platform for Action from the 1995 Beijing Conference on Women affirms that human rights include the right of women freely and without coercion, violence or discrimination, to have control over and make decisions concerning their own sexuality.

Today, we understand as never before, that together with *reproductive* rights and health, **sexual rights and health**, lie at the very core of human rights. Both sets of rights that are entailed in SRHR concern protection of bodily integrity and personal autonomy or ownership of self. They lie at the very heart of

¹ <http://www.icpdtaskforce.org/beyond-2014/policy-recommendations.html>

individual rights and freedoms, which are the foundation of democratic citizenship. Both sets of rights are key to achieving gender equality.

What do we mean by sexual health and sexual rights?

The WHO website defines sexual health as "...a state of physical, emotional, mental and social well-being in relation to sexuality; it is not merely the absence of disease, dysfunction or infirmity. Sexual health requires a positive and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence. **For sexual health to be attained and maintained, the sexual rights of all persons must be respected, protected and fulfilled**".

http://www.who.int/reproductivehealth/topics/sexual_health/sh_definitions/en/

According to WHO, sexual rights embrace certain other human rights already recognized in international law, and specifically "protect all people's rights to fulfill and express their sexuality and enjoy sexual health, with due regard for the rights of others and within a framework of protection against discrimination." (WHO, 2006a, updated 2010)

http://www.who.int/reproductivehealth/topics/sexual_health/sh_definitions/en/

Pacific Feminist SRHR Agenda

An inaugural and unprecedented gathering of a broad and diverse coalition of women and trans* people from key civil society organizations, networks and alliances in 9 Pacific Island countries in Nadi in February this year issued a strong call for the full recognition of all categories of women and girls, at all stages of their lives, **as rights holders with specific attention to SRHR**. Specifically, lesbians, bi-sexual women, trans* people, intersex people, Fa'afafine, Fakaleiti and other non-hetero-normative Pacific identities, as well as women with disabilities, sex workers, women living with HIV and AIDS, rural and remote women, young women, the girl-child, older women and hetero-sexual women. Highlighting the diversity of women, and the strength that lies in our diversity, this unprecedented gathering of diverse women insisted that any SRHR programs involving our communities be initiated and implemented by our communities and our chosen allies, working from a human rights and gender equality framework. As those at the gathering put it, '*Nothing about us without us*'.²

The feminist gathering made some urgent calls to action. Some of them challenge local concepts of morality, but all of the calls are key to securing SRHR in our region beyond 2014. We look to you, Honorable Members of Pacific Parliaments, to support these calls, several of which require legislative reforms. The calls to action highlight the need for national, **rights-based SRHR policies**, backed up by law, and implemented without discrimination.

Among the calls to action by this gathering of Pacific feminists and activists were the following:

1. The immediate repeal of PNG's Sorcery Act and investigation and prosecution of those responsible for torturing and extra-judicially killing women and girls under the guise of eliminating sorcery and witchcraft. Sorcery related torture and killings are the most extreme and horrific manifestation of gender-based violence and, dare I say it, misogyny, in our region. Pacific governments must use the law

² See 'Pacific Feminists and Activists: Re-framing, Re-articulating and Re-energizing Sexual and Reproductive Health and Rights', 14th February 2013. <http://www.dawnnet.org/advocacy-cso.php?id=277>

to end hate crimes against women. The PNG Parliament repealed the Sorcery Act in late May, albeit controversially, by extending the death sentence to convictions for such killings. Increased reports of sexual violence against women and girls across the region, including incest and rape of children within families, and the so-called 'corrective rape' of lesbians, violate the bodily integrity and the sexual and reproductive rights of Pacific women and girls, and must be stopped.

2. De-criminalization of abortion to give all Pacific women and girls the right to legal and safe abortion. The law in most if not all PICs permit abortion to save the life of the pregnant woman; in some states the law allows abortion to preserve the pregnant woman's physical and mental health³. In Cook Islands, abortion is permitted where pregnancy results from rape; in Fiji it has become legal for pregnancies resulting from both rape and incest. Generally, abortion remains a criminal offence, and restricted access to abortion permitted in the cases of rape and incest is framed less as a right than simply an exemption from criminal liability. Data on unsafe abortion in the region do not exist⁴ but globally an estimated 13% of maternal deaths are due to unsafe abortions. As IPPF has shown, where abortion is criminalized, it is overwhelmingly desperately poor women in poorer countries who risk their lives seeking unsafe abortions. Where access to contraception is restricted or denied, and where sexual violation and abuse of women and girls are commonplace, as it disturbingly is in our region, forcing a woman to continue an unwanted pregnancy is the ultimate violation of her reproductive rights and, in the case of a young girl, seriously imperils her reproductive and sexual health.

3. Recognition that lesbian, bisexual and trans* rights are women's rights and human rights, and fulfillment of those rights.

Gay/lesbian, trans* and intersex persons are defined as sexual minorities. Despite the traditional recognition of the social role of trans* persons in several Pacific societies, persons whose sexual orientation or gender identity does not conform to majority norms are nonetheless often stigmatized, discriminated against, and subjected to bullying and in many cases horrendous sexual abuse, including by close family members. Protection of the rights and freedoms, and recognition and respect for the sexual rights of sexual minorities is way overdue in our region, where in most countries same-sex relationships are criminalized and homophobic hate crimes occur.

Where sexual rights and health are denied to any category of sexual minority, violations of other fundamental rights, including discrimination and abuse are permitted or condoned. We call on Parliamentarians from the region to take direction from the Yogyakarta Principles which emphasize the universality of all human rights and their application to all persons without discrimination and work to address all breaches of the right to non-discrimination through legislative reforms. The Yogyakarta Principles in short remind states of their obligations to extend protection to all citizens, and end impunity for perpetrators of crimes of violence against LGBT persons.

4. Decriminalize same-sex relationships. We further call on Pacific Parliamentarians at this Conference to work towards decriminalizing same-sex relationships so that all persons with non-hetero-normative sexual orientation and gender identity are recognized as full and equal rights holders, and protected

³ See Peter Murgatroyd (n.d.) *Abortion Policies: a review of policies and legislation for the South Pacific*, http://www.vanuatu.usp.ac.fj/library/online/Pacific_law/Murgatroyd3.htm

⁴ New Zealand Parliamentarians' Group on Population and Development (2009) *Making Maternal Health Matter*, Open Hearing on Maternal Health in the Pacific. [http://www.fwrsmi.org.fj/files/Making%20MH%20Matter\(1\).pdf](http://www.fwrsmi.org.fj/files/Making%20MH%20Matter(1).pdf)

from discrimination. There is an urgent need for comprehensive human rights education in schools in our region.

5. Decriminalize sex work. Although it is not usual to consider them as such, sex workers, whose 'choice' of work, does not conform to majority norms and attracts moral opprobrium, are in some respects a 'sexual minority'. We call on Pacific Parliamentarians to work towards decriminalizing sex work and stopping harassment of sex workers.

6. Ratification of CEDAW by Palau and Tonga . These are, I understand, the two remaining Pacific Island states which have yet to ratify CEDAW.

Sexual health and rights of young people and adolescents

Globally, an estimated 1.8 billion young people between the ages of 10 and 24 do not have access to the sexual and reproductive health services and sexuality education that would ensure them of safe and healthy lives. A 2005 report of research into sexual health behaviours of Pacific Islands youth (aged 15-19) in 3 countries (Vanuatu, Tonga and FSM) found 'moderate to high percentages of youth ... sexually active' (i.e. with at least one sexual partner) - in Vanuatu (49.7%), Tonga (35.5%) and the Federated States of Micronesia (76.1%).⁵ A 2006 UNICEF report on the Pacific⁶ recorded 'alarming rates' of unwanted teenage pregnancies in the Pacific region, which it attributed to unprotected sex and shortfalls in basic sex education. The rates of teenage pregnancy were highest in RMI and Cook Islands. The New Zealand Parliamentarians' Group on Population and Development reported that teenage pregnancy rates in Solomon Islands, Vanuatu, Papua New Guinea, Kiribati and Marshall Islands were among the highest in the world.⁷

There is clearly an urgent need for a radical change in attitude in our region with respect to young people and sex and SRHR. Whether we like it or not, large proportions of young people and adolescents in our region are sexually active. They have a right to contraceptive protection and to comprehensive reproductive and sexual health services. Noting the 'triangular alliance of parliamentary, faith-based and traditional leadership' (Sachs-Robertson) to which UNFPA looks for leadership on ICPD advocacy beyond 2014, Pacific Parliamentarians will have to take the lead in changing resistant traditional attitudes which are neither rights-based nor informed by existing realities.

Conclusion

In conclusion, I know that some of the Calls to Action shared with you today are very challenging and some may go against what are considered traditional ideas and values. I like to think of cultures as dynamic as opposed to static or fixed and unchanging. The idea of human rights historically challenged every society. While they continue to be contested by the most reactionary forces in society, human rights have become universal values. Just as democracy, as pointed out by Amartya Sen is 'not yet universally practiced, nor indeed uniformly accepted, [but] in the general climate of world opinion,

⁵Corner H, Rissel C, Smith B, Forero R, Olatunbosun-Alakija A, Phongsavan P, Havea D (2005) *Sexual health behaviours among Pacific Island youth in Vanuatu, Tonga and the Federated States of Micronesia*, Health Behaviour and Lifestyle of Pacific Youth Survey Collaborating Group and Core Survey Teams, *Health Promotion Journal Australia* 16(2):144-50 <http://www.ncbi.nlm.nih.gov/pubmed/16130591>

⁶ UNICEF (2006) *Children and AIDS in the Pacific Island Countries*, Country Report, Pacific Island Countries, East Asia and Pacific Regional Consultation on Children and HIV AIDS, Hanoi, Vietnam. http://www.unicef.org/eapro/10_pacific.pdf

⁷ Op.cit., [http://www.fwrsmi.org.fj/files/Making%20MH%20Matter\(1\).pdf](http://www.fwrsmi.org.fj/files/Making%20MH%20Matter(1).pdf)

democratic governance has now achieved the status of being taken to be generally right”, so too are human rights universal in the sense of being seen as generally right. In Sen’s view, universal values ‘do not have to have universal consent’. The claim of a universal value is that ‘people anywhere may have reason to see it as valuable’.⁸ For those of us in this region who work in one way or another for the enlargement of human rights, and especially women’s rights, we look to enlightened political leaders to take the bold steps that need to be taken to realize or fulfill sexual and reproductive health and rights for everyone, and thereby help make our societies more equitable, fairer, more humane, and peaceful for all.

⁸ Amartya Sen (1999) ‘Democracy as a universal value’, *Journal of Democracy*, 10:3 pp3-17.
http://www.unicef.org/socialpolicy/files/Democracy_as_a_Universal_Value.pdf