



InterSouth Dialogues

Report of the Consultation on
Reproductive Rights and Sexual Rights

Inter South Dialogues

South-South Movement Building and Strategic Dialogue on Reproductive Rights and Sexual Rights

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Organised by

CREA, INFORM, MASUM,
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Contents

	Background	1
	Introduction	5
I.	The present context – the hurdles faced/ the threats/ the challenges ahead	7
II.	The Movement (s) - Local responses	12
III.	Sites of Unease/ Points to ponder/ Looking within	31

Background

Historically, women's ability to express choices in matters of sexuality and reproduction has been conditioned and constrained by economic, political, religious and cultural patterns, responding to a model of 'normality' and disallowing any kind of behaviour which deviates from this. Throughout the world, society, law and cultural norms have repressed any behaviour that could challenge the reproductive role of women, as reproduction has been the basis for social inequality and women's identities have been limited to motherhood. During the past decade, initiatives to question these have seen a number of shifts both forward and backward. A lot of ground has been covered and progress continues to be made in the area of sexual and reproductive rights, but the road has not been free from obstacles. Today there are new global political circumstances which affect the debate over reproductive and sexual health and rights. The neo-liberal economic paradigm, promoted through the World Trade Organization (WTO), International Monetary Fund (IMF) and World Bank, prioritizes economic growth, free trade, deregulation and privatization without due regard to social impact. Increased militarization and a shift to military and anti-terrorism expenditures, and strident religious and other fundamentalisms in all parts of the world combine to constrain the political will to advance a comprehensive human rights and development agenda. There is clearly a clash of deeply held values and principles taking place at personal and political levels, in some countries more surreptitiously and in others in a highly charged atmosphere. Fundamentalist ideologies perhaps represent the most extreme versions of these differences with feminist and human rights values, rather than the only one. When fundamentalist political forces and ideologies are on the

rise, governments, even as they attempt to restrict such forces in the struggle for political power, tend to acquiesce to them in matters relating to women. In the process, their different political interests collude with patriarchal interests in denying women's human rights. They do so by enforcing family codes that discriminate against women in matters of sexuality, marriage and reproduction. Though women's experiences and understandings of 'sexual' and 'reproductive rights' are not homogenous; yet, State control of women's reproduction and sexuality exists in varying degrees all over the world.

The conceptualization of reproductive rights and, most particularly sexual rights, is far from complete. This is a domain in which we are still embedded in a constant and complex process of thinking and re-thinking and most principally involved in harsh ideological and political struggles. Today, as we know, the core ideas contained in these two concepts are openly attacked by moral conservative forces that are expanding their tentacles in the most diverse societies. At the same time we are challenged to move forward with the conceptualization of these rights.

The Cairo and Beijing Conferences have indeed been watershed events for the women's movement. After almost two decades of activism by women's groups across the world around issues of reproductive and sexual health and rights the conferences center staged these issues and brought about some level of global consensus around them. But while these UN processes got fairly well focused and fine tuned around issues of reproductive and sexual rights, corresponding efforts to strengthen movements around these issues have not been sufficiently invested in. It is clear that sustainable reproductive and sexual rights agenda requires re-building and revitalization of the women's movements behind these agendas. New actors need to be incorporated into the struggle for reproductive freedom and a renewed political discourse is urgently required to approach the theoretical and policy debate to peoples' realities across regional and cultural realities, ethnic and religious contexts and race and class identities. To this end, Gaby ore Aguilar and Roshmi

Goswami, the Sexuality, Reproductive Health and Human Rights Program Officers from the Santiago and New Delhi Offices of the Ford Foundation initiated a "South-South Movement Building Strategic Dialogue on Reproductive and Sexual Rights."

The Inter- South Dialogue grew out of this initiative and is an attempt to link the discourse on Sexual and Reproductive Health and Rights between Latin America and South Asia. In this context, the Inter South Dialogue is an attempt to link the discourse on Sexual and Reproductive Health and Rights between Latin America and South Asia. An ardent need was felt by organizations working on Reproductive and Sexual rights in South Asia to have a platform for South Asian and Latin American activists to come together and share their experiences and challenges, and look at possible spaces for a mutually beneficial alliance. Though the historical context in each of these regions has been considerably different with a different trajectory of historical development, both regions are facing global threats of similar nature, at present. It was felt that dialogue and conversations between the activists of both regions could help them to learn from each other and enable sharing of not only information, but also local responses and strategies to counter global threats.

Supported by Ford Foundation, representatives of four organizations from India, CREA, MASUM, Sama and North East Network, visited Peru and Chile in July 2003. Discussions were held with organizations and individuals associated with the women's movements, queer movements and other social movements such as CLADEM, LACWHN, Minga Peru. What emerged was the common context that affects the commitment to and implementation of reproductive and sexual rights in both regions – increasing religious conservatism and fundamentalism; globalization and macro-economic policies that impoverish women and increase their vulnerability; armed conflict and increased militarization, which not only increases sexual violence but raises complex issues around identities, ethnicity and

democracy. The need was felt to revisit the concepts, methods and strategies used in dealing with everyday issues of violations of sexual and reproductive rights as well as introspectively analyze the campaigns for positive social change. This brainstorming was intended to raise fundamental questions of – What do we mean by reproductive rights and sexual rights? Is it possible to initiate conversations among different movements on reproductive rights and sexual rights? How can we create messages that will be heard rather than seek ideological purity? What is the right strategy to question and combat the fissures within the sexual and reproductive rights movements and to accord space to issues of sexuality and sexual rights?

To carry this dialogue forward, to strengthen the movement, and globalize the sexual and reproductive health and rights agenda it was important to have conversations on these issues¹ in a sustained manner. In order to consolidate the dialogue that was initiated in Latin America and provide a platform for discussion in India and South Asia on Sexual Rights and Reproductive Rights, a three-day Consultation was planned. It was envisioned that a dialogue between Latin American and South Asian participants would provide insights into the priorities and dynamics of different social movements and thereby would help to shape the discourse on Reproductive Rights and Sexual Rights and advocacy strategies in both the regions. Latin America has a long history of democratic movements against military dictatorship. Human rights movements, people's movements, women's movements started in Chile and Peru as early as 1960s followed by a strong reproductive and sexual right movement which has been successful in formulating The Inter-American Convention on Sexual Rights and Reproductive Rights. South Asia, on the other hand has been for long under the shackles of discrimination based on caste, class and gender. Hence the struggle for rights had become all the more critical, especially the struggle for reproductive rights and sexual rights as issues of sexuality and reproduction are shrouded in silence. Sharing of

1 'Rationale behind engaging in South – South Dialogue on Reproductive Rights and Sexual Right in the South Asian Context' was shared by Sunila Abeysekera, INFORM, Sri Lanka

the content and the process of formulation of The Inter-American Convention on Sexual Rights and Reproductive Rights was envisioned to raise key questions, problems and challenges for work and advocacy around sexual rights and bring in a comprehensive insight into the discourse on Reproductive Rights and Sexual Rights. This was to provide a platform to consolidate discussions around sexual rights and reproductive rights movements in south Asia. The aim of the dialogue was to understand the why, what and how of reproductive and sexual rights and to decide on future strategies.

Introduction

The Consultation on ‘South-South Movement Building—Strategic Dialogue on Reproductive Rights and Sexual Rights’ was organized by CREA, INFORM, MASUM, NEN, Sama and TARSHI as part of the larger initiative called Inter South Dialogues. 36 participants attended the Consultation — of whom 3 participants were from Latin America, 4 from Sri Lanka, 3 from Nepal, 1 from Bangladesh and 25 from India. The participants being from diverse backgrounds gave a multidimensional perspective to the consultation². It was a platform where activists could freely discuss issues, clarify ambiguities, debate and dialogue on controversial terrain, share experiences and evolve strategies to work together towards a common goal.

The Consultation was structured keeping the following objectives in mind

- Initiate conversations in India and South Asia on Sexual Rights and Reproductive Rights and look at possible spaces for discussion, dialogue and debate on these issues
- Share experiences and understanding about Sexual Rights and Reproductive Rights in both the regions
- Discuss The Inter-American Convention on Sexual and Reproductive Rights developed in Latin America
- Locate different strategies, alliances, coalitions developed in both the regions

On the first day, the presentations revolved around:

- The Inter-American convention – the process, content, the alliances, the strategies evolved, the hurdles faced and the ongoing challenges³.

2 The three -day Consultation was facilitated by Sunila Abeysekera of INFORM, Sri Lanka

3 Presentation by Roxana Vasquez, CLADEM, Latin America

- The process of engagement of the Women's Movement, Health Movement and Lesbian Movement with Sexual and Reproductive Rights in Latin America⁴

On the second day, the presentations were focused on:

- Movement towards decriminalisation of abortion in Nepal⁵ and Sri Lanka⁶
- The Campaign against sex- selective abortion in India⁷
- The society and State's response to LGBT issues and the sexual rights movement in Nepal⁸, Sri Lanka⁹ and India¹⁰

On the third day, the presentation centered on:

- The global threats of corporate globalization, fundamentalism(s) and militarization and the decreasing democratic spaces¹¹

In the course of three days, presentations focused on varied issues and concerns that the participants were striving to deal with in their work on sexual rights and reproductive rights. The discussion focused on the present day context – the challenges that the sexual rights and reproductive rights movement is facing in the global South; the local responses to these challenges, and the existing sites of unease within the movements. Considerable time was devoted to debate, discuss and introspect about the course that the movement is taking and the politics of language, given the fact that the language used by the progressive movements has often been appropriated. The open forums proved to be constructive and elicited new issues, concerns and thought processes. This report aims to summarize the insightful discussions held over the three days and highlight the critical points and issues that came up from the dialogue.

4 Presentation by Rossana Favero Karunaratna, Camila Maturana and Soledad Perez, Latin America

5 Presentation by Sapana Pradhan-Malla, Forum for Women, Law and Development, Nepal

6 Presentation by Jayanthi Kuru - Utumpala, Sri Lanka

7 Presentation by Manisha Gupte, MASUM and N.B. Sarojini, Sama, India

8 Presentation by Sunil Babu Pant, The Blue Diamond Society, Nepal

9 Presentation by Kaushalya Perera, Sri Lanka

10 Presentation by Jaya Sharma, Voices against Section 377, India

11 Presentation by Meena Seshu on the Sex workers Movement in India, SANGRAM, India; Presentation on the Women's movement in Bangladesh by Shireen Haq, NARIPOKKHO, Bangladesh; Presentation on 'The Politics of Pleasure' by Radhika Chandiramani, TARSHI, India

I. The present context – the hurdles faced/ the threats/ the challenges ahead

The global economic restructuring through corporate globalization and neo liberal policies are one of the major hurdles before the Sexual and Reproductive Rights movement today. Added to this, escalating violence in varied nature and intensity on different segments of the population at all levels – State, community, and family — is a major concern for movements which base itself in the principle of equity and justice. Controlling of women's bodies and sexual expressions have become a key manifestation of the ways in which globalization or fundamentalisms are framing the world, within which context the Sexual and Reproductive Rights movement struggles. This new moral order also threatens the ongoing movement as liberal perspectives are viewed with distrust as 'new' or 'foreign' and therefore not legitimate. In a world order where strong patriarchal values define the 'norms' of the society and chart out parameters for normalcy, the sexual and reproductive right movement is struggling to create spaces for 'alternative' voices to be heard. The presentations from Latin America and South Asia on the Sexual and Reproductive Rights movement brought out the commonalities in both the regions and highlighted the specific ways this new order poses a threat to the ongoing sexual and reproductive rights movement.

I a. Specific Manifestation in Latin America

The complexities of the vast subcontinent of Latin America have a common origin: the conquest and colonization five centuries ago by the Spanish and Portuguese imperialists, one inalienable component of which was Catholic evangelization. This brought in the concept of sin into sex, and of woman as being sinful. Motherhood and servitude is seen as the only possible redemption for women; the gate to hell is knowledge and power.

Sexual freedom for men and their arrogance towards women are celebrated, while women are required to be faithful and practice self-denial. This moral double-standard continues to prevail and poses a significant challenge for the sexual rights and reproductive rights movement. The establishment of independent republics in the nineteenth century mapped a course for the various levels of relationships between the governments and the Catholic Church. These republics were empowered by the decline of Spanish imperialism and inspired by the last two major democratic revolutions that opened the doors to modern-day politics: the American Revolution and the French Revolution. In the last two decades of the twentieth century transition took place from military dictatorships to 'conditional' democracies that were sufficiently democratic to be receptive to global transformations. The decline of economic and social conditions and emergence of economic neo-liberalism led to increasing social inequality which was reflected in the concentration of wealth, the consolidation of poverty, and high rates of unemployment in an increasingly precarious work market. The situation worsened because part of the Church's campaign, in the absence of a global Communist block, was to fight neo-liberalism and its social and economic consequences, making the Church in Latin America a defender of the victims of neo-liberalism. However, the area where the Church in Latin America has shown no mercy and instead has multiplied anti-choice movements is of reproductive and sexual health and rights. These movements focused on anti-choice positions, but they extended their condemnation – in a fanatical defense of the traditional family under male authority — to artificial contraception, abortion, divorce, and to diverse sexual expressions. A woman's right to pleasurable, coercion-free sexuality and reproductive choices is still difficult to address in the Latin American cultural and historical context. In a subcontinent where socialization regarding ideas about sexual relations starts in puberty, and where double standards prevail in matter of sexual beliefs and practices, it is no wonder that there is an exceptionally high rate of unwanted pregnancies and

therefore secret abortions. There is also a high rate of teen pregnancy and motherhood. The secrecy makes numbers relative, but it is estimated that of the approximately 4 million annual abortions in the region, 6,000 result in the death of the woman. Induced abortion is one of the main causes of maternal death in Latin America. It is the leading cause of maternal death in Argentina, Paraguay and Chile, the second leading cause in Colombia and Peru, and the third in Brazil, Panama and Mexico.

The two major obstacles that the Sexual Rights and Reproductive Rights movement is facing at present are:

- Oppression by the Catholic Church and its resistance towards the Sexual and Reproductive Rights movement. The political situation along with the domination of the Church has given rise to an environment which is not conducive towards working for sexual and reproductive rights. As sexual and reproductive rights issues are perceived as value based issues there is an ongoing public debate between the Church, political parties and socialist movements. There has thus been a strong resistance towards abortion in the country. Though Chile passed a law on therapeutic abortion in 1989 and there has been considerable attempt to implement the law, till date all attempts have failed due to strong opposition from the Church. The Church has also played an active role to put a stop to the State's policies on sexual rights, which has been a major drawback for the movement.
- Lack of clear political vision has led to fragmentation within various social movements, which in turn has weakened the sexual and reproductive rights movement. Lack of funds has also been a major constraint for work on sexuality and reproductive rights issues.

I b. Specific Manifestation in South Asia

In South Asia the forces of globalization and fundamentalism have manifested themselves in gender-discriminatory practices in the social, economic, political and legal spheres. The patriarchal structure, which defines the norms of South Asian society and

restricts women's education, mobility and empowerment, is becoming stronger day by day. Women are confined within the shackles of the family and are forced to perform traditional roles of mothering, nurturing and caring. There are significant disparities between men and women in all realms of life — access to economic opportunities, education, health services. Along with there women's lesser role in decision-making perpetuate women's subordination to men and make them susceptible to violence. Violence in general has escalated against women and other vulnerable sections not only in frequency but also in severity. Violence is also a result of son-preference in a society that devalues women and that consequently misuses technology to abort female fetuses. It is disturbing to note that even after 20 years of campaigning against sex selection in India, there is a grave imbalance in the sex ratio. The blatant son preference that prevails till date in the prosperous northern states of India is shocking. The Municipal Corporation of Delhi's data on birth registration in 2004 showed that 819 girls were born for every 1000 boys in Delhi.

To an extent, it is this social and cultural context which informs and reinforces formulation of the legal structure, which gives rise to anti women laws. In Bangladesh, for example, the Constitution grants equal rights to women and men in all spheres of public life; however, in private spheres such as marriage, divorce, custody of children, and inheritance, personal laws discriminate against women. Similarly, in Nepal for instance, the law dictates that if a woman cannot give birth to a child, it can be an issue for divorce or justification for bigamy. Following a similar argument, abortion is still perceived as a 'wrong' in Sri Lanka and any effort towards legalizing abortion have for long been criticized for upholding 'maternal rights at the cost of the child's life'. The latest available data from the Family Planning Association of Sri Lanka, states that more than 1000 illegal and unsafe abortions take place every day in Sri Lanka. Medical complications, arising out of illegal abortions, are the third highest reason for maternal deaths in the country. However, despite the grave dangers and risks involved, women continue to seek induced abortions for various reasons.

People, who do not subscribe to the gender stereotype, are subject to sexual violence. Insensitive social, cultural and legal structures have also resulted in criminalizing people who are lesbian / gay/ transgender and making them socially invisible. Given this rigid framework, same-sex desiring people are targeted, abused, and physically harassed. Incidents of harassment of the homosexual community and social discrimination remain widespread despite years of campaigning by sexuality rights groups in the country. The biggest hurdle faced by the campaign is to fight legal discrimination based on sexual orientation which 'criminalizes' certain sexual acts as 'unnatural'. The law is used by the police to intimidate same-sex desiring people and has been a source of serious human rights violations. In a recent case in Sri Lanka, a foreign woman was denied citizenship and deported on the basis that she was in a homosexual relationship with a local woman.

These moralistic paradigms have also criminalized sex work and have coerced sex workers to remain outside the mainstream society. The situation of the sex workers has worsened with the HIV/AIDS epidemic as society at large, has singled out sex workers as the sole 'carriers' of HIV. Added to the existing stigma, this singling out has resulted in increased public and police violence against sex workers, impinging on their human rights. The combining forces acting to restrict and curb the influence of the progressive movements working on sexual and reproductive rights have become quite prominent sidelining sexuality in the human rights discourse.

II. The Movemnet (s) - Local responses

II a. Sexual and Reproductive Rights Movement in Latin America

In order to build consensus and gain wider acceptability in its fight against the Church and State the sexual and reproductive rights movement in Latin America had devised different strategies. One of the most important strategic moves had been to place sexual and reproductive rights in the inter-American system for the promotion and protection of human rights, which includes a commission and a court, and has tremendous potential to make women's rights a reality in the region. The inter-American system can improve women's rights throughout Latin America in at least three ways:

- By articulating and applying international and regional standards on women's rights when these rights are not adequately protected at the national level;
- By guaranteeing reparations for victims whose rights have been violated; and
- By encouraging countries to undertake legislative and policy changes to better protect reproductive rights.

The Inter-American Convention on Reproductive and Sexual Rights ensures 'state accountability for guaranteeing the full enjoyment of reproductive and sexual rights by establishing and monitoring standards that strengthen the conditions for women and men to make choices and take decisions based on principles of gender equality and non- discrimination.' The main focus of this proposal is to advocate sexuality and reproduction as 'transcendental issues of a democratic agenda'. The movement claimed sexuality and reproduction as the lens through which the discourse of patriarchy and its inter-linkages with

development and democracy can be viewed. The convention mapped out a significant discourse on reproductive and sexual rights and put forward strategies to make the proposal effective. The focal point of the process was to generate dialogue and debate on reproductive and sexual rights.

The idea of the Inter American convention came up around 1998. CLADEM along with a few local and regional organizations like CIDEM, COTIDIANO MUJER, FLORA TRISTAN, and SOS CORPO initiated the process of formulating the Convention, and a regional alliance was formed in the year 2000. Various organizations then were involved in boosting the campaign in Argentina, Bolivia, Brazil, Colombia, Costa Rica, El Salvador, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Puerto Rico and Uruguay.

The development of the convention started with two primary objectives:

- to place the proposal in the Inter-American system and
- to make people understand, the need of affirming and demanding the protection of these rights in the area of sexuality and reproduction.

It challenged the laws and social beliefs concerning sexual practices and reproductive choices and made an attempt to make policy makers and the public aware of the connections between reproductive choice, sexuality, and economic, social and political development. The Convention proposed to promote and sustain the process that would expand the debate on sexuality and reproduction from a rights perspective and aimed to develop a bridge between the feminist movement and other ongoing social movements. In order to mobilize people and organizations to lobby for change, the need was to work out strategies, organize political action, generate alliances, and accumulate and consolidate strength, so that this perspective could be presented to the policy-makers in a powerful way. The need was also felt to create the space in public debates to express different views on sexuality and reproduction, which would promote mutual understanding.

The strategies that were developed aimed at achieving and strengthening alliances with other movements like the Women's movement, Youth movement, GLBT movement, Afro-descendant women's movement, Indigenous women's movement, Human rights movement and HIV-AIDS movement. Once the manifesto was brought out and discussed at the regional, national and international levels, there was a need to redefine and revisit the notions of equality and freedom, and to make a concrete effort to understand the nuances of clubbing sexual rights and reproductive rights together or making water tight compartmentalization between the two. For in-depth debates on sexual and reproductive rights and to explore the relationship between democracy and rights in general, the proposal was discussed in regional, national and international fora. Simultaneously, mechanisms were put in place to monitor whether the State was implementing the policies that they had formulated. These simultaneous processes helped in expanding and strengthening alliances at regional and local levels and carrying out the campaign in a sustained manner.

Some very pertinent questions and suggestions which emerged from these local, regional, and international fora were:

- Discrepancies regarding the usage of certain concepts
- Sexual difference vis-à-vis gender discrimination and sexual preference.
- Prostitution vis-à-vis sex work,
- Patriarchy vis-à-vis patriarchal system.
- The ways to evolve a universal movement while acknowledging differentiated impacts of discrimination due to diverse social locale based on race / age / sexual orientation and socio/economic condition.
- Deciding on elements which are non-negotiable components of the campaign and variables which can be interrogated.
- The validity and utility of a new policy document in the context where existing policies are not implemented in

reality and only exist in paper. This is because rights are useful only when they can be exercised. There is thus a need to rethink the political, juridical, economic, social and cultural systems and ensure that they provide a supportive environment and long-term means of guaranteeing and strengthening human rights.

At present, the challenges before the proposal are:

- i. To develop a working definition of the concepts and to map out the non-negotiable components.
- ii. To devise ways to expand and strengthen alliances at regional and local levels.
- iii. To carry out an organized movement in a sustained manner.

II b. 'Movement for legalization of abortion in Nepal'

The abortion movement in Nepal was initiated by a few women's groups. Due to sustained effort of the women's organizations, restoration of multi party system in 1990 and endorsement of international human rights mechanisms 'Protection of Pregnancy Bill' was introduced in the Parliament. But there was strong resistance once the bill was introduced. After a few concerted efforts by the movement, the government proposed legalization of abortion, based on certain conditions. Abortion became legal only with the consent of husband, in case of incest or rape, in case of abnormalities of the fetus and in case of threat to the woman's life. However, women activists of Nepal protested these conditionalities on the ground that widows, divorced and abused women could not possibly get their husband's consent.

Different strategies were used by the movement to legalize abortion. It involved community based research which validated the claims and demands of the movement. For example, a study conducted by CREHPA proved to be very useful, as it reflected the ground reality by bringing the voices of women in prisons, voices of abused women and voices of all strata of society to the law makers/parliamentarians. These research studies became an important advocacy tool as they used language that the

parliamentarians and policy makers were able to comprehend. Every possible tool to make the State accountable was used and the court played a proactive role in this struggle. As a result a Bill legalizing abortion was discussed and passed in the lower house of the Parliament in 2001, but the upper house rejected it. In order to elicit public response, a national conference was organized, which was attended by 1500 people and the women affected by the anti-abortion law spoke of their ordeals. At the same time dharnas (rallies) continued to be organized around the conference. These activities helped in creating public opinion around the issue. Finally the government made amendments to the Bill and it was passed on March 14, 2002. However, legalization of abortion has not automatically guaranteed access to safe abortion for all segments of the population. In a developing country like Nepal, merely the fact that the abortion law is liberal does not and cannot guarantee that women have access to legal abortion facilities. There are too many constraints, including the lack of human resources such as doctors and nurses in many parts of Nepal. 'Legalizing abortion is thus only the first step in making safe abortion a real option' and the struggle needs to continue in order to transform the ground reality, which unfortunately remains unchanged inspite of the existing legal structure.

II c. Abortion Movement in Sri Lanka

In Sri Lanka, the Penal Code of 1883 criminalizes abortion under sections 293 and 303, even in the case of rape and incest. The only exception to the rule is made if the life of the woman is in danger. Socio-cultural and religious hypocrisy deems it necessary that Marie Stopes clinics island-wide, provide women with 'menstrual regulations,' instead of 'abortions.' With sustained effort, the women's movement in Sri Lanka had been successful in forcing the government to draft the Women's Charter, largely based on the CEDAW Convention in 1991. This process involved consultations with a wide range of women's organizations, which succeeded in including a reference to women's right to control their reproductive functions. The Charter was presented to the

Parliament in March 1993, and was approved with little debate. It was however, not legally binding and lacked an enforcement mechanism. As part of its obligations to the CEDAW committee, in 1995, the Ministry of Justice, in consultation with the Ministry of Women's Affairs and women's organizations, drafted a bill to amend relevant sections of the Penal Code.

The bill proposed legalization of abortion in all instances that were outlined by the CEDAW Committee, including rape, incest and congenital abnormalities of the fetus. The debate that ensued in the Parliament was a critical one. Throughout the debate, Members of Parliament presented their own personal opinions, colored by their general attitudes towards women. Not surprisingly, these attitudes ranged from seeing women as promiscuous, and conniving to vulnerable. The debate reflected some of the most common perceptions and misperceptions, with regard to abortion and women's right to control their bodies and their lives. Arguments based on cultural, religious, or traditional differences regarding the origin and sanctity of life, were also debated in order to justify the opposition to abortion. The parliamentary debates on the attempts to reform the Penal Code and to decriminalize abortion, had made it clear that the scales appeared to tip towards an anti-choice view of abortion, backed by religious and cultural orthodoxy. The Sri Lankan government maintained a tenuous hold on power, with the support of coalition partners from the minority religious and ethnic communities. Consequently, there were clear political imperatives which led to the withdrawal of this proposal.

The most recent attempt to decriminalize abortion was in February 2004, when the Ministry of Women's Affairs, in consultation with women's NGOs, formulated a draft Women's Rights Bill. This draft bill incorporated key elements of the Women's Charter of Sri Lanka, and was modeled on the CEDAW Convention, which was duly ratified by the Sri Lankan government in 1981. The bill, therefore, was perfectly in keeping with the norms and standards established in international and national law. The Draft Women's Rights Bill also attempted to

create an enforcing mechanism, namely the National Committee on Women, which would have a mandate to monitor the implementation of this law. This bill also immediately came under attack by male chauvinistic, Catholic fundamentalists, who promptly referred to it as 'The Abortion Bill'. In November 2004, the Ministry of Women's Affairs appointed a technical committee to review the draft Women's Rights Bill. The revised draft focussed centrally on the State's obligations towards CEDAW, including the universality, indivisibility and the interdependency of rights. This final draft had now been submitted to the President's Office and is expected to have a positive outcome.

II d. Campaign against Sex-selective abortions, India

Alarmed by the skewed sex ratio in the State, the campaign against sex selective abortions consolidated itself in Mumbai in the State of Maharashtra, India around 1981-82 in the form of two fora – the Forum against Sex-Determination and Sex-Preselection Techniques (FASDSP) and later on, the Doctors against Sex-Determination and Sex- Preselection Techniques (DASDSP).

The growing pressure of the campaign in Mumbai, and the presence of a sensitive Health Secretary in the State government in the mid 1980s resulted in the formation of a special task force to look into the issue of sex-determination and to suggest a law to ban sex-determination tests in the state of Maharashtra. Finally in January 1987, the Maharashtra government banned sex-determination. Similar measures were taken up by the States of Gujarat and Karnataka. The Central Government of India banned all sex-determination tests in 1994 under the Pre-Natal Sex Determination Technologies (PNDT) Act.

However, the women's movement criticized the PNDT Act on the grounds that it did not ban the newly emerging Sex pre-selection techniques which are techniques used even before conception and accused the woman and her family along with the doctor. The Act did not criminalize the doctor under the Indian Penal Code, but directed the Medical Council of India to deal with violations of the

Act. Not surprisingly therefore, until 1999, not a single doctor had been booked or tried under the PNDDT Act of 1994. It was then that two organizations CEHAT and MASUM along with Dr. Sabu George decided to file a Public Interest Litigation (PIL) against the Union of India in the Supreme Court in 2000.

The PIL created a furor, mainly because in 2001, the Census revealed that the sex-ratio, especially of the 0-6 year age group had dipped dangerously from 946 girls per 1000 boys in 1991 to 917 girls per 1000 boys in Maharashtra, which otherwise had excellent development indicators. The Supreme Court directed every State to furnish details on sex-determination. It passed a regulation on ultrasonography machines asking for registration of every machine in the country. The PNDDT act of 1994 was revised to become the PCPNDDT act of 2003, thus including techniques used for selecting the sex of the progeny even before conception.

In 2003, MASUM and CEHAT decided to withdraw the PIL because the verdicts of the judges were becoming more and more anti- abortion. It also highlighted several drawbacks inherent in a legislative strategy.

II e. 'Sexual rights movement/s in South Asia with special reference to Sri Lanka

The genesis of sexual rights movement in Sri Lanka leading to the emergence of homosexual groups and a fragile queer citizenship is the outcome of complex transnational currents that include the global HIV/AIDS movement, the growth of human rights-based discourses, and the proliferation of non-governmental organizations within Sri Lankan society. The term 'sexual rights' is comparatively new to Sri Lanka though rights relating to sexual issues have been an integral part of the agenda of the women's movement for over two decades. However, mainstreaming sexual rights into the women's rights agenda had been difficult due to an inherent tension within the women's movement regarding sexual rights.

It is also interesting to note that there is hardly any women's organization in Sri Lanka, which works exclusively on sexual rights. Issues of sexual rights are dealt with in the overarching framework of health or violence. In most instances, sexual rights have been the major focus of organizations working on 'non-normative' sexualities. Emergence of these groups has enabled opening up of public spaces for same-sex desiring people. This has made it possible for individuals with diverse sexual orientations to stake a claim for their inclusion as full citizens, challenging the 130-year-old sodomy laws that prohibit homosexuality in the country.

This challenge to the nation-state, by a community starting to identify its non-normative sexual orientation, has also emerged at a time when the power of the nation-state has been severely tested with a protracted civil war, as well as globalizing forces and devolutionary pressures. Paradoxically, the push towards greater democratization by a disadvantaged minority has come at a time when democracy within the nation-state itself is severely threatened.

In this scenario, the Women's Support Group, which approaches lesbian, gay, bisexual and transgendered issues from a rights based perspective, has started questioning the framework of compulsory heterosexuality. Women's Support Group has constructed a sphere of influence within the public domain to perform the rites/rights of citizenship, and have managed to stake a claim on the body politic of Sri Lanka. In trying to combat discrimination, the Women's Support Group lends support to lesbian, bisexual and transgender persons in Sri Lanka. They offer peer support, education and awareness, legal assistance and counseling. Reaching out to an 'invisible' community is a constant challenge. The organizations themselves are discriminated against, as they are unable to register as an NGO because of the Penal Code 365A. The Women's Support Group has the added challenge that none of their current staff members and most of their members are not 'out' – often limiting what they are able to do. The simplicity of adding a street address to a website or letterhead for example, is not a possibility in Sri Lanka as the

risks are too great. Risks include involuntary disclosure, invasion of privacy, harassment from government agencies and others, and physical attacks.

Thus organizations addressing the issues of sexually marginalized persons are constantly under threat and face enormous hardships trying to reach out especially at grassroots level. Further, because of the Government's stubbornness and lack of understanding of sexual orientations and gender identities, there is no government funding for these organizations. All of them seek and rely on international funding to enable them to continue with their much needed work. Hence numerous transnational actors continue to mediate the engagement of these groups with the hostile and now communal State of Sri Lanka. Being placed within an influential global ambit has provided WSG with transnational supports. These have brought the groups legitimacy, time, and a public space to ensure that they continue the engagement with the Sri Lankan State and other significant national civil society actors. The socio-political engagement of the Women's Support Group, along with other communities involved in progressive social action, have forced open the boundaries of citizenship and expanded the sphere of social justice. If they cease to do this, it would become far easier for the State to solidify the 'non-citizen' status of groups that have been historically constituted as 'other' to the nation-state.

II f. 'Sexual Rights movement / s in South Asia with special reference to India'

In recent years, issues and concerns around sexual rights have been effectively and consistently taken up by LGBT groups in larger social, legal and political contexts. This vibrant political movement has raised multiple issues:

- creating public visibility for the identities and issues,
- building community and safe spaces for people to reach out to each other,

- providing support networks,
- fighting for legal recognition and rights,
- providing safe health care services,
- articulating and questioning the politics that makes all sexuality other than hetero-normative dubious,
- building alliances nationally as well as internationally with other movements,
- connecting the politics of gender and sexuality with other politics, and
- working with multiple strategies towards a society where all genders and sexualities would be respected and treated equally.

However, one major drawback in this process had been that sexuality as a concept had become coterminous with 'marginalized sexuality'. The responses of the progressive movements have, however, not been unequivocal. Even spaces within women's movement have often been quite restricted as sexual rights have been relegated to sexually diverse people and reproductive rights to heterosexual women. Sexuality has generally been considered as an 'unimportant' and secondary issue. It is also seen as an issue of only a handful of people who are labeled as 'western' 'upper class' by the mainstream political movements as well as society. The importance of issues of sexuality in shaping of all social relations and hence all aspects of human interaction has not been recognized by most movements. It is only in the past few years that a few groups within the women's movements and the human rights movement have begun to contribute to the articulations of LGBT groups.

There is a conscious effort by some LGBT groups, women's organization, human rights groups to make sexual rights movement broad based and evolve a political vision in alliance with various other people's struggles and movements. One such instance had been coming together of various groups like child rights groups, women groups, human rights groups in forming a

coalition called 'Voices against section 377'. Voices against 377 is a coalition of NGOs and progressive groups based in Delhi (including PRISM, Nigah Media Collective, Saheli, Anjuman, TARSHI, Amnesty International India, Haq, Partners in Law and Development, Sama, CREA, Nirantar, Breakthrough and Jagori). It had become a point of intersection and dialogue between various social movements that these groups represent, where a united voice had been articulated against the Section 377 of the Indian Penal Code which states, 'Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment ... for a term which may extend to ten years, and shall also be liable to fine.'

II g. 'Sexual Rights Movement/s in South Asia with special reference to Nepal'

The legal, cultural, religious and social climate of Nepal had made issues of sexuality and sexual rights invisible to a large extent, and has often stigmatized, discriminated against and victimized same sex-desiring people. Anecdotal evidence and direct research indicate that there are a large number of same-sex desiring people in Nepal. A range of networks that cut across class, religion, age, ethnicity and income status are making an effort to question this discrimination on the basis of sexual preference.

One such initiative has been by the Blue Diamond Society, an organization striving to work for the rights of sexual minorities. The challenges faced by the Blue Diamond Society give a glimpse into the challenges faced by the sexual rights movement in the country. The first attempt at registering the Society was denied because officials objected to the very concept of homosexuality. The organization was pressurized to change its objective into 'correcting homosexual behaviour'. However with sustained effort and manipulation the Society was registered as an organization working on sexual health issues. The next challenge was to provide a non- threatening space for Men

having Sex with Men (MSM) who are intent on carving out a social space for themselves to come forward and share their experiences. In a society where patriarchal structure offers priorities to men, the plight of same-sex desiring women is worse. Meera, a 22-year-old woman from Hetauda, a district in southeast Nepal, was to be the bride in a marriage arranged by her family. When Meera refused to marry and attempted to run away with Laxmi, her lesbian partner, Meera's family caught her, drugged her with herbs, and brought her back home. On their second escape attempt, the couple made it to Katmandu and found shelter and protection at the Blue Diamond Society. But within weeks the girls' families came looking for them. It started with threatening phone calls and ultimately they were kidnapped from the Blue Diamond Society at night. The families pressed charges against the Society, accusing them of being involved in trafficking women. LGBT people in Nepal have no legal redress against State violence and get little support from mainstream human rights groups and political parties. Police officers often beat up metis — homosexual men dressing up as women — if they refuse to provide them with free sex or money. These assaults are a continuation of a long history of homophobic abuse and violence by sections of the Nepali police. Protests by sexual rights groups have urged an end to police violence and sexual abuse of gay and meti people, action to protect the LGBT communities against discrimination and violence, and the prosecution of any authority which victimize lesbian, gay, bisexual and transgender people.

However, the movement faced a major halt when King Gyanendra dismantled the democratic political structure in Nepal to combat the Maoist rebellion and had also suspended civil liberties in the name of security. In the wake of the King's action, as internal conflict in Nepal reached fever pitch, the fight between traditional Hindu culture and the emerging homosexual population of Nepal also reached critical mass. In this political climate the existence of the Blue Diamond Society is becoming a struggle in itself.

A petition seeking to outlaw the Blue Diamond Society has also been placed on the ground that the Nepalese Constitution prohibits homosexuality, classifying it as 'bestiality.' The petition says that the Blue Diamond Society should be banned for 'polluting the culture of Nepal'. The Supreme Court of Nepal will take the step toward either legitimizing or criminalizing homosexuality, when it hears the petition. Given the unstable state of Nepal's government, the condition of the court system is also uncertain. It is matter of worry that the legality of homosexuality in Nepal hangs on the court's definition of a single word 'unnatural' as the [Nepalese] Constitution says 'unnatural sex acts are illegal.'

II h. Sex workers' Movement in India in the context of HIV

The definition and understanding of prostitution has been changing in the Indian women's movement. The traditional position had been that prostitution is female sexual slavery and the practice should be abolished. However, in recent years, some activists have argued for legalization of prostitution, as the present law continues to be restrictive (though it does not penalize sex work per se, it penalises soliciting and brothel-keeping), and harassment from enforcement agencies — who see it as an illegal activity — continues. Once legalized, advocates claim, women in sex work will not be harassed by the police; they will be allowed to work in certain zones and issued licenses; their names will be in government records; they will be able to undergo regular health check-ups. However, there is a genuine apprehension that in the Indian context, legalization will only make women in sex work more vulnerable to State control.

It is important to understand, first and foremost, that 'women in prostitution' are women and that 'prostitution' is a complex phenomenon that contains strands of exploitation, violence, vival and victimhood as well as those of agency and empowerment. Throughout history artificial devices have been created by society to identify prostitutes as separate from other women. These devices included stigma, alienation, science and law. The contemporary debates around women in prostitution need to

question the acute divide created between 'us' and 'them'. If a 'choice' vs. 'force' binary pervades debates around prostitution then we are most likely to reduce the complex, multi-hued, daily, lived realities of sex workers into stereotypes. The urgency and force of the disagreements arise not only from the issues relating to prostitution, but also from the fact that the prostitution question has gathered around itself many of the issues that remain unresolved in feminism: the relationship between feminists and female 'victims of oppression'; the construction of the female subject in terms of 'agency' (choice, autonomy, desire, 'voice'); the public / private dimension of work / sexuality. The question right now, however, is whether it is legal measures that will best serve the purpose of effecting change. Whether or not the law is the best strategic means of effecting change, the existence of progressive laws is the necessary — though frequently insufficient — condition for achieving justice and equality. Within a framework that treats prostitution as analogous to slavery and views the practitioner as one who can only have been coerced into the trade, the prostitute can be represented only as victim. If, however, prostitution's central figure is regarded as an individual to whose action/behaviour a certain measure of choice must be accorded — however restricted such a choice may be — then she is a social agent. The extremes of the coercion-free choice pole are easy enough to recognize and therefore easy to condemn and approve, respectively, without much disagreement. The problem is how to determine positions on the vast grey area that lies between these extremes, for instance on the matter of choices made from necessity: are these circumstances of coercion, or do we argue that necessity is a factor in all existential choice? If we oppose coercion on the grounds of the individual's rights, must we not by the same logic, support voluntary choice in the matter of prostitution? As long as sex-work is associated only with crime, health-hazards and other anti-social aspects it will be hard to 'normalize' it legally.

What is interesting in the Indian context is the fact that the campaign for the rights of women in sex work coincided with the appearance of HIV/AIDS in the country (the first case of HIV infection was detected in 1986). The HIV/AIDS epidemic singled

out people-in-prostitution and sex-work as ‘carriers and vectors of the spread of HIV’. Apart from the stigma already attached to their work, society further marginalized them as core transmitters of the HIV infection. It fails to understand and recognize that they are but links in the broad networks of heterosexual transmission of HIV. And that they constitute a community that bears and will continue to bear the greatest impact of the HIV epidemic. Propagating the myth that people-in-prostitution and sex work are core transmitters of HIV serves the purpose of ‘prostitution bashers’ imbued with the moral and judgmental attitude that reinforces the prejudice that AIDS is an ‘impure’ disease that afflicts immoral and evil persons’. The net result is to further target the women which: increases public and police violence against them, decreases their ability to assert themselves, allows customers to demand and force unsafe sex upon them; increases the rate of HIV among sex workers and; denies them access to health care services.

The truth is that, women who are in prostitution and sex work are vulnerable. They are often subjected to sexual abuse at the hands of authorities, including local criminal gangs, petty political leaders, immigration and police officials. Given the fact that HIV transmission is most efficient in a situation of repression and abuse, women in prostitution who have been trafficked are at a greater risk of contracting HIV. The risk of getting HIV is a gendered risk, one that strongly depends on the actions and behaviors of individual men and women playing out gender roles that society has constructed for them. If women face a disproportionately high risk due to their social status, women also face a greater share of the HIV burden. All women — single, married, pregnant, widowed or in prostitution — face the whiplash of gender when it comes to HIV. The discrimination and stigma they face is much more than that faced by men. The burden of care also falls squarely on their shoulders. In fact, HIV/AIDS remains yet another arena where traditional gender struggles continue to be played out at all structural levels — in the family, in the community, and in society at large.

Women in sex work have organized themselves in some parts of the country like Sonagachi (West Bengal) and Sangli (Maharashtra). With the slogan 'Violence of stigma we dare to survive, of dignity we dare to dream' the movement seeks to achieve legitimization of sex work. The fact that they are organized has helped them in some extent to negotiating their rights as individuals in society. The sex worker movement needs to build alliances across other social movements so that the issue of women in prostitution is viewed as a larger social concern and the multiple realities are fully comprehended before laws, policies and programmes are formulated to 'help' women in prostitution.

II i Women's Movement in Bangladesh

The women's movement in Bangladesh is operating under the shadow of a growing Islamisation on the one hand and the western representation of eastern or 'Islamic' societies as backward and barbaric on the other. The feminist task in this context becomes very difficult indeed – to constantly hold the critical mirror up to social inequities which keep gender discrimination in place, but not to fall into the global vilification that Muslim cultures and so called backward cultures are subject to 'barbaric' practices. Hence it is difficult to carve out spaces where demands can be articulated from this terrain. The Women's movement in the country is grappling with issues such as violence, women's subordination, and the special religious strictures on women, as well as social practices that keep women in a position of subservience. Violence against women had been an important concern for the women's movement in Bangladesh. The first public campaign to stop violence against women was initiated in 1985. The anti-acid violence campaign was mobilized in the mid-1990s primarily by Naripokkho, a Bangladeshi women's advocacy group. Naripokkho's efforts created both the conceptual and organizational groundwork for placing acid violence against women and girls in Bangladesh into the global landscape of gendered human rights violation and concurrently mobilized attention by both national and international actors to the issue of acid violence. The focus of the campaign was to

provide a support system to the survivors, especially women, who suffer acid attacks, and look into the gaps in state-sponsored medico-legal services which prevent women from protection supposedly guaranteed by the laws. The movement questioned the long and convoluted process of filing a First Information Report (FIR) with the police involving inadequately trained court and medical officials, and of survivors having to provide 'proof' of abuse. A sustained campaign forced the government to set up one-stop services, where a woman who had been subjected to violence would get treatment and redress for her grievances. However, the language and culture around the way violence is perceived in society needed to be changed. For e.g. dhorshita, one who is raped becomes an identity imposed on the women who were raped – thus making the victims more vulnerable.

Different strategies had been used by the women's movement to gain entry both in the official spaces and create public spaces for social interaction. The last two decades have witnessed an upsurge of women's organized effort to articulate their demand for equal rights in all spheres of life. The constant effort by the women's organizations compelled the Bangladesh government to ratify CEDAW on 6 November 1984 with reservations on Articles 2, 13 (a), 16.1 (c) and (f). The imposition of reservations, and in particular the reservation on Article 2, had been criticised by women's organizations as being contrary to the spirit of the Convention itself and in contradiction to the provisions of the Constitution of Bangladesh. Women's organizations have demanded withdrawal of all reservations and full implementation of the Convention.

A vibrant women's movement for the last 20-25 years played a significant role in bringing back issues of the marginalized and the vulnerable to the forefront. In spite of this, there was a general reluctance and hesitance to voice issues of sexuality in the public sphere. Ironically, the HIV/AIDS campaign provided an opening to articulate sexual rights issue. Conscious effort had been made to create spaces for discussion, debate and dialogue around these issues. International Women's Day had been seen as an important instrument through which discussions/dialogues

on controversial and delicate issues across the country could be carried out. The event served as an important channel to voice women's concerns and reach out to people. In the year 1994, the theme for discussion by a prominent women's network was 'My body, my decision' and it created a ruckus in society and even within the women's movement as it questioned the control of women's bodies by the family, community and the State. In order to initiate conversation around issues of same sex desire, Naripokkho organized a Consultation titled 'Narir Proti Narir Preeti' (Women's Love for Women). It evoked a lot of curiosity and unease in society as even progressive women movements were not ready to discuss these issues.

Issues of sex and sexuality also became prominent in the campaign mounted by sex workers' groups along with women's and human rights groups for the right of sex workers to work, their right to living and working in brothels, and their demand for security and protection from the state. One significant moment in the history of Bangladesh had been when for the first time 87 organizations came together to fight injustice done to sex-workers. Using the rights framework these campaigns urged for recognition of sex workers as citizens of the State and as legitimate workers. Interestingly, this campaign succeeded in turning attention away from the exploitative nature of sex work — whether it is a desirable arena of work or not — to the reality of the lives of women who are sex workers, to the reality of what 'rehabilitation' may mean for these women, and to the larger questions of the definition of women's work.

III . Sites of Unease/ Points to ponder/ Looking within

The Consultation also provided space for activists engaging with these issues to introspect and collectively look at the different challenges that movements need to address in order to chart out future paths. The points of contestation, unease and dilemmas were discussed in the group in order to elicit debate and dialogue. The following major concerns, dilemmas were listed out:

- Sexual rights have hitherto been submerged under reproductive rights – it is important that the autonomous existence of sexual rights is recognized. This has become all the more imperative in the context of repressive laws and practices related to sexual preference, orientation and identities. The problem in linking the two arises from the fact that the reproductive dimension becomes the focal point and sexuality issues are left behind. Conversely, the need is also to challenge the artificial schism between reproductive and sexual rights. The relegation of reproductive rights to heterosexual women and of sexual rights to sexually diverse groups is irrational and dangerous.
- The sexual rights movement especially in the South Asian context, which has a rich vocabulary to deal with pain and violation has not been successful in devising a language for pleasure. In the 60's and 70's, the women's movement in the West started devising vocabulary to talk about pleasure¹² and the buzzwords were lesbianism and egalitarian sex (equal sex). The question that was posed then and the movement is still struggling for an answer is — how does our sexual pleasure influence our politics and how does our politics influence our sexual practice? Certain delicate questions

12 Presentation On 'The Politics of Pleasure' by Radhika Chandiramani, TARSHI, India.

came up — which sexual dreams are we afraid of sharing? What fantasies are we scared of enacting? What is politically correct sex? Can sex ever be politically correct? A woman can have different needs and definitions of pleasure. Is it okay to say that a woman does not always want equality in sex, but the power to keep shifting the power in a sexual relationship? Is the bottom line the fact that ‘women want to be in control of when and with whom they want to lose control’? Unless sexuality is also perceived through the lens of pleasure, society ends up placing certain people outside the realm of pleasure, like those who are disabled or HIV positive. Sexual rights are complex and multifaceted — for instance, do we really want a formal right to sexual pleasure with all the baggage of State interference that it will entail? What is crucial is a wider acceptance of diversities and an environment conducive to discuss these issues in public spaces. One of the challenges before the sexual rights movement is to truly understand the diversity of pleasure. The sexual rights movement needs to attempt to answer whether there is politically correct sex and also to define sexuality itself. Rather than approaching sexuality only from a disease-oriented perspective, the sexual rights movement must locate sexuality affirmatively. Sexual wellbeing needs to be the focal point of the discourse as this will help to move away from a linear progression of illness to health and then to wellbeing. We need to avoid a binary way of looking at sexual rights through either a positive or a negative lens. It is only through looking at sexuality comprehensively that the movement will be successful.

- The sexual rights movements in India and South Asia have been using the ‘minority’ framework to talk about issues of same sex-desiring people. In talking about sexual minorities, reference is made to people using their sexual desire to define who they are. But a vast majority of same-sex desiring people do not identify as such. By talking about majority and minority, a condition is created to segregate ‘we’ from ‘them’ — thus weakening the larger cause of sexual autonomy. In

the Indian context there are political and social implications of the term minority as this validates the society and States claim that there are only a handful of people who are same-sex desiring and that the vast majority of people in society in a 'natural' way are heterosexual.

- The legalization of abortion in almost all countries had brought certain conditionalities. The fact that a married woman would need husband's consent for aborting the fetus and if abortion is done without husband's consent it can become the ground for divorce in Nepal need to be critically looked at. Similarly in case of minors, is it justified to seek the consent of guardian, given the fact that unmarried pregnancy brings social stigma and ridicule and it is more likely that young single women do not have an environment at home that is conducive to revealing that they are pregnant. The fact that a woman in custody or jail had to seek court's permission for abortion also needs attention.
- The campaign against sex-selective abortion has been valiantly carried on in India for the past two decades, mainly due to the relentless efforts of women's groups and sensitive health professionals. Just as every other campaign, this campaign had seen ups and downs, successes and failures. It successfully highlighted the fact that abortion and reproductive rights were applied differently and often unfairly, for women in diverse settings and that the enjoyment of these rights was dependent on the priorities, strategies and whims of nation states. It however, missed out concerns around eugenics and was not very clear about its messages related to the right to choose to have an abortion. Given the fact that there was no conscious effort to separate the right to choose to have an abortion from sex-selective abortion, some of the messages of the movement had an anti-abortion overtone. Without a strong understanding of the discourse of eugenics, the campaign advocated that sex- determination was 'misuse' of genetic technology, implying that the identification, followed by the elimination of fetuses, through new reproductive technologies on the basis of genetic

abnormalities is normal. As feminists, we need to be very careful in agreeing to the use of technology for one kind of genetic selection and not another. After all, the justifications used to abort female fetuses are often the same as those used by people who want to abort fetuses that have been diagnosed with 'medical abnormalities.' An 'abnormal' fetus and a female fetus are accorded similar drawbacks: expensive to maintain, less productive than 'normal' (or male) persons, detrimental to the parents' emotional and financial well-being, and therefore better off not being born. The campaign thus found itself being caught between defending abortion at one end, also defending eugenic- abortions at the other end, but protesting against sex-selective abortions. The position therefore became more constituency oriented than that of understanding the politics of abortion. Hence, the movement needs to transcend its limitations. It is in this regard that broader discussions need to happen in deciding the strategic use of language in movements and campaigns as words often convey unintended messages.

- International women's movements have discussed the connotations of 'sex work' and 'prostitution', without arriving at a consensus. The question that remains is whether prostitution promulgates subordination of women as sexual objects or whether it can be a viable option for livelihood emerging out of choice even in a society devoid of subordination and coercion. The need to find answer/s to the lengthy and ongoing debates about the nature and 'morality' of sex work is a constant challenge for the women's movement.
- Because they are embedded in human rights, sexual and reproductive rights demand State accountability. But this is a complex and critical issue. This is because the language of rights is at once liberating and stifling. What do we ask for as rights and what do we wish to leave out of state intervention (e.g. sexual pleasure)? How do we place sexual and reproductive rights in the larger context of decision-making, informed choice, freedom, negotiation, and multiple (also

fluid) identities? The movements has to be careful to ensure that the State is not vested with absolute power to control citizens' lives. The State should guarantee an environment that would enable free discussion on issues of sexual and reproductive rights and should monitor the implementation of human rights mechanisms. The fact that the State often itself becomes the violator of human rights is of grave concern for the movement. Hence the movement should make a conscious effort to create democratic spaces.

- Significant discussion took place on the need for strategic mechanisms to make the sexual rights and reproductive rights movement more broad based including not only 'sexual minority' groups but also women's groups, human rights groups, groups advocating liberation theologies, mass movements, and the Left movements. However, though these alliances need to be built to affirm sexual rights and reproductive rights – this is an uphill task given that each movement has its own language and it often becomes difficult to dialogue on complex issues. There is a need to develop bridges and conversation between different social movements inspite of the fact that each social movement has its own concerns and priorities. This will create space and provoke dialogue around these issues. The process of formulating the Inter American Convention in Latin America helped in creating a broad base where many critical issues could be addressed. In creating a broad base, a conscious decision had to be made in differentiating between coalitions (shared politics) and alliances (shared positions on specific issues); otherwise a movement might end up diluting its essence and goal.
- At this juncture, the sexual rights and reproductive rights movement also needs to delve into a systematic critique of institutions such as marriage and family and also of oft used concepts like choice and empowerment. This is because whereas the earlier feminist movement probed and questioned the universality and 'naturalness' of family, the present day movement has not tackled this debate.

Outcome of the Consultation:

In the current environment which is dominated by global trends antithetical to rights and social justice, the consultation was an important space for activists of two regions to interact, share and strengthen advocacy efforts. It was a significant step towards strengthening the Inter South Dialogues and existing alliances and potential collective strategies around sexual rights and reproductive rights. Focusing on the local context in both the regions and the strategies used resulted in a critical discussion around the boundaries and content of sexual and reproductive rights. Introspective analysis of the responses of the sexual and reproductive rights movement pinpointed the achievements, limitations and dilemmas that the movements are facing. Sharing of information and experience highlighted the commonalities of issues in both the regions but also highlighted the discrepant understanding and conceptualization of sexual rights and reproductive rights in Latin America and South Asia because of cultural/social/political differences. Understanding the process, content and evolution of the Inter-American Convention in Latin America which is a fairly institutionalized, consolidated point of view provided insightful discussion and debates both on content and strategies and the efficacy of human rights mechanisms in general. This sparked off discussion around the need for a shared conceptual framework in South Asia which would then facilitate a mapping out of the quintessential as well as the non-negotiable components of the movements. Limitation of present day movements in engaging with critiques of the institution of marriage and the family was highlighted and a need was felt to resume this debate. The consultation became a space to carry forward dialogues on sexual and reproductive rights at a global level and provided an impetus to create possible alliances for joint action.

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Organizers

CREA

Creating Resources for Empowerment in Action, a not for profit organization founded in the year 2000, empowers women to articulate, demand and access their human rights by enhancing women's leadership and focusing on issues of sexuality, reproductive health, violence against women, women's rights and social justice.

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INFORM

INFORM is a human rights documentation centre based in Colombo Sri Lanka. It has been in operation since 1989. The main focus of INFORM is on monitoring and documenting human rights violations, particularly in relation to the impact of the conflict on civilian life. The reports produced by INFORM are used for lobbying and advocacy work within and outside Sri Lanka by various national and international groups and agencies. INFORM also conducts trainings on human rights for various groups and has an extensive library of books and documents on human rights in all national languages.

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MASUM

Mahila Sarvangeen Utkarsh Mandal, was formed in 1988 when women in Malshiras in Pune district of Maharashtra decided to create a space for themselves and address the issues that affected their lives. Most of these women were from the oppressed castes and minority religions. The organization evolved as a development group with a feminist perspective to make the women self reliant and conscious of their human and constitutional rights; to nurture women's physical and emotional health; to provide vocational training and credit facilities to women for self employment and to create a progressive space in society for all its deprived people, and to specifically resist casteism, sexism and religious chauvinism.

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NORTH EAST NETWORK (NEN)

NEN is a non-government organization working with local and indigenous communities of the northeast region of India particularly with women's groups on social development issues using a human rights framework. NEN follows a process of training and advocacy with women's groups, in an attempt to influence civil society and governments towards change.

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ROSHMI GOSWAMI

Program Officer, Sexuality, Reproductive Health and Human Rights, The Ford Foundation

Roshmi programmed extensively on Women's Human Rights in South Asia with a special focus on supporting work around Sexual Rights.

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Sama- Resource Group for Women and Health

Sama believes in confronting all forms of discrimination and emphasizing on equality, empowerment and rights of women from marginalized communities. Our primary activities include health education, training and capacity building, material production, action research, advocacy and networking. Sama works closely with tribal, dalit and other minority communities primarily on health, violence and livelihood issues.

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TARSHI

Talking About Reproductive and Sexual Health Issues, believes that all individuals have a right to sexual well being and to self-affirming and enjoyable sexuality. TARSHI expands people sexual and reproductive choices through operating a telephone help line, conducting training, creating public education material and advocacy for sexual and reproductive rights for all.

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