

SexPolitics: Trends & Tensions in the 21st Century - Contextual Undercurrents

Editors: Sonia Corrêa and Richard Parker



SexPolitics: Trends and Tensions in the 21st Century - Contextual Undercurrents - Volume 2

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Prologue

With great pleasure, Sexuality Policy Watch (SPW) launches the fourth publication resulting from our most recent round of transnational analysis. SPW was created in 2002 under the name Working Group on Sexuality and Social Policy, which would be changed to our current denomination in 2006. At that point in time, the dynamics prevailing in our field of work remained connected with undercurrents of previous decades – democratization in the global South, the unexpected effects of HIV and AIDS, and the intense global debates on social issues and human rights that ensued at the end of the Cold War Era – which had enhanced the expansion of public discourses and research on gender and sexuality matters as well as their rapid transnationalization. But we had already entered the times when gender and sexuality conflicts were no longer played at the extremities, but rather in battles fought at the core of power dynamics, or of what we called “global sex wars”. As we know, since then this tendency has not exactly relented in its pace, but rather amplified its scale and effects. The aim of this new series of analyses is therefore to critically assess the transnational state of sexual politics in the mid 2010s.

The new series started with the launching of *Sex at Dusk and the Mourning After: Sexuality Policy in the United States in the Years of Obama* authored by Susana T. Fried and Cynthia Rothschild, in May 2018. In August, 2018, a first edited volume -- *SexPolitics: Trends and Tensions in the 21st Century – Critical Issues* – was launched comprising four chapters: “Desert, Rainforest or Jungle: Navigating the Global Sexual Rights Landscape” by Sofia Gruskin, Alice Miller, Jane Cottingham and Eszter Kismodi; “Legal Developments in the Domain of Sexual Rights” by Laura Saldívia and Ryan Thoreson; “Legal and safe abortion: the Latin American Perspective, by Maria Jose Barajas and Sonia Corrêa; and “Mapping Trends: Power Imbalances and the Circulation of Information on Sex Work” by Laura Murray, Elsa Oliveira and Debolina Dutta. Then, in September, 2018, a second Working Paper – “The Catholic Church’s Legal strategies – The Re-naturalization of Law and the Religious Embedding of Citizenship “ – authored by Juan Marco Vaggione, was made public.

Now we bring to you the second edited volume: *SexPolitics: Trends and Tensions in the 21st Century – Contextual Undercurrents*, which includes seven chapters organized in two parts. The first part charts sexual politics in five regional spaces: Africa, the English-speaking Caribbean, Europe, Latin America and Post-Soviet

Countries. In the second part, the undercurrents of sexual politics underway in two large Asian countries, China and India, are also examined. This uneven composition reflects, on the one hand, the contours of SPW's transnational partnerships. But, on the other, it also illustrates how difficult it is to inscribe Asia as a regional space. This difficulty is also a reminder that even regional spaces that are addressed as such in the pages that follow do not necessarily reflect the heterogeneities implied in the large geographical areas covered by the chapters. "Region", as we know, is a problematic unit of analyses – but the same applies to spaces defined by national boundaries. Having performed transnational analyses for fifteen years, while recognizing these caveats, we also consider it very hard to escape from these conventional geopolitical frames. What compensates for that is that the standpoints and analytical frames used in each chapter are quite distinctive and, consequently, as a whole they offer a highly varied mosaic panel of sexual politics worldwide.

Regional Spaces: Africa, the English-speaking Caribbean, Europe, Latin America and Post-Soviet Countries

The first chapter of the section on regional spaces is remarkably political. "African Sexual Politics: A Pan-African Lesbian Perspective" written by Varyanne Sika and Awino Okech, on behalf of the Coalition of African Lesbians (CAL), begins with a re-capturing of an African Queer Manifesto, written in 2011 that develops a sharp critique of neo-colonial categories of identity and power, and ends by making explicit the position on sexual politics articulated by CAL. This standpoint squarely places struggles for sexuality rights within a Pan Africanist frame of self-determination in sexual, social, economic and political terms.

This chapter also offers a concise but rich overview of African feminist writing on sexuality and identity that goes beyond social science bibliography to also give visibility to literature (poetry as well as fiction). In this section, Sika and Okech show how contemporary African feminisms, while investing in theory and ground-level politics, are also engaged in exploring and valuing joy and pleasure as expressions of queer livelihoods and resistance as made explicit in one of the books examined in the section:

[W]e each experienced moments when our 'profane', leaky, curvy, mother/sister/daughter/macomère bodies, bound up in the politics of our national and ethnoracial identities, unsettled the 'sacred' spaces of our field sites and academies, often in unintentional and unexpected ways (The Quilt, p. 55).

Then the authors push further the critique of global LGBTI politics framed on the basis of identity and the biases that it implies. They scrutinize how the insistent Western gaze on what is described as African homophobia provides

North American and European LGBT subjects with an ideational platform to praise *“their own emancipation against the foil of the subaltern other”*. They also identify and analyze how the narrow focus on state recognition upon which identity politics is based leads either to normalizing effects (homonationalism) or continuing patterns of queer exclusion. The analyses also shows how the obsessive attention to violations of the human rights of LGBTI persons in Africa – in the Western media, but also in the discourse of international organizations – contributes to erase positive legal and policy gains achieved in recent years and, most principally, undercuts the agency of African queers in resisting various forms of oppression. In respect to organizing, Sika and Okech address the always difficult question of how funding can be de-politicizing and call for an intersectional politics on gender and sexuality that does not leave aside the economic and social dimensions of queer livelihoods.

The second chapter, “Sexuality Research, Sexual Politics and Sexual Rights in the Anglophone Caribbean”, authored by Christine Barrow, offers a rich and extensive overview of the state of art in gender and sexuality research. It examines a number of specific areas such as gender-based violence, abortion rights, adolescents, LGBT rights, HIV/AIDS and sex work. It charts research gains and gaps, but also connections and fissures between research and activism. These clusters of analysis are fundamentally framed around stigmas that derive from dominant constructions of gender and sexuality. As in Africa, coloniality is key to understand current sexual politics dynamics in the English-speaking Caribbean. In that regard, Barrow retraces how imperial imprints of racism, patriarchy and heteronormativity *“drove post-Emancipation and post-Indenture nation-building designed to ‘civilize’ Caribbean men and women into responsible, upright citizens”*.

The chapter recaptures the effects of this legacy in the law, as sharply illustrated by the crime of abortion, anti-sodomy clauses, problematic definitions regarding the age of sexual consent and sex work that are still on the books in most countries. It also examines how these constructions underlay entrenched perceptions and cultural norms around good and bad sex, which presently determine how women, youngsters and most principally sexual dissidents are viewed in societies but also in the eyes of state actors. Barrow shows how, during the 1970s, internationally-led fertility-control policies, while eventually providing women with greater reproductive autonomy, were rather were functional to these long-standing gender patterns. Yet more compellingly, after the 1980s, these entrenched, stigmatizing assumptions have negatively impacted responses to the HIV epidemics amongst gay men, trans persons and sex workers.

Barrow emphasizes the cultural heterogeneity of English Caribbean societies, usually glossed over in global analyses of the region, while at the same time underlining the long-standing impacts of Judeo-Christian belief

frames on gender and sexuality norms. These impacts, in her view, gained a new scale as religious conservatism expanded in the last few decades, and today a collusion between religious forces, state actors and institutional policies is what sustains long-rooted moral, cultural and political assumptions on gender and sexuality. On the other hand, however, public opinion shows that, despite regressive trends, social change – enhanced by a generational shift, higher levels of education and greater information flows – is gradually but positively propelling transformations of public perceptions on gender and sexuality matters.

The third chapter, “EUrope: The ups and downs of sexual exceptionalism”, authored by David Patternote, does not scan Europe as a geographic region, but rather as a cross-national space of exchanges and a normative entity sharing well-established human rights standards and common values. This chapter critically looks at gender and sexual democracy as building-blocks of the contemporary European project. It recaptures how European gender and sexuality rights frames and cultural norms have not been granted by states, but harshly fought for many decades. While recognizing the unequivocal positive effects of gender and sexual democracy, Paternotte excavates how the grand narrative projected by these gains overshadows gaps and paradoxes, such as the selective endorsement of sexual rights, the colonial othering that characterizes European global politics on gender and sexuality, and, most principally, an unexpected and increasing opposition to sexual and reproductive rights.

Despite the European Union’s progressive rights standards, controversial issues such as abortion, sex work, and even same-sex marriage have been left to the decision of national states. Other problems that are examined in this chapter include the NGOisation of gender and sexuality politics and imbalances between West and North Europe and the countries viewed as its internal periphery (Southern and Eastern European sub-regions). But most principally the analysis reveals how the grand narrative on gender and sexual democracy “others” whatever is beyond European boundaries. In that respect, Patternote addresses European views on US sexual politics before charting the colonial taxonomies and logics of exclusion that mark European sexual exceptionalism. In his view, while aspiring to provide global human rights standards, European gender and sexual democracy generates stigma and out-casting – as, for example, when its narrative is increasingly appropriated by far-right populist forces to justify the closure of borders and the eviction of migrants.

When considering the state of the world in early 2019, the most relevant contribution of Patternote’s chapter, written in early 2017, is to name and map the expanding attack on gender equality, abortion and LGBTI rights clustered under the metamorphic umbrella of anti-gender crusades. It shows that, while it may be more flagrant

in Spain and Eastern Europe, this wave has not spared the so-called core of Europe. It erupted in France, for example, in 2013, and it is now glaring in Italy after the 2018 right-wing electoral victory. Reflecting on these paradoxes, Paternotte suggests that the dominant account of European gender and sexual democracy claims ownership on values which are shared far beyond the borders of Europe and raises questions about the future of sexual rights when the European project itself is in peril.

Paradoxes are also the backbone of “Sexuality in Latin America: Politics at a Cross-Road”, co-authored by Gloria Careaga, Mario Pecheny and Sonia Corrêa. The chapter begins by situating gains made in relation to gender and sexual and reproductive rights – under the effect of post 1980s democratization processes and regional leftward politics in the 2000s – in relation to inequalities, entrenched and racialized violence, the frailty of state institutions, the ambivalences of the left and conflicting views within sexual politics itself. It examines three key areas to better grasp the contours of this complicated landscape: gender-based violence, commercial sex and abortion rights.

The chapter recognizes that political mobilizing and legal reforms in relation to gender-based violence is the main gain of contemporary Latin American feminisms. In doing so, however, it reminds us that, despite this success and related legal reforms, patterns of violence (in many countries) and high levels of impunity (almost everywhere) have not changed substantially. It also looks critically into the limits and un-reflected collateral effects of resorting to criminal law as the privileged response to gender-based violence.

In relation to commercial sex, the authors chart how global anti-trafficking policies adopted in the 2000s have shifted away from 19th century post-independence legal frames, which did not criminalize soliciting, towards of criminalization of sex work. In this altered policy context, they note, sex workers – who are increasingly organized across the region – are bravely contesting criminalization and claiming the full recognition of their rights. Concurrently, however, strands within feminism call for the abolition of sex work and criminal sanction of clients, dismissing the voices of sex workers and contributing to growing streams of sexual conservatism.

Struggles for abortion rights are also named and examined as another thorny issue in Latin American sexual politics. In this case, complications are not related to feminist controversies, but derive from the ways in which abortion rights claims have been sidelined by key liberal and left policy actors and lawmakers – with very few exceptions – even when they were highly supportive of anti-gender-based violence measures and LGBT rights.

In concluding, the chapter offers a sweeping overview of the vertiginous rightward turn that is transforming regional politics as whole. The authors interpret this drastic swing as the combined effect of overlapping trends: ongoing neoliberal pressures, growing religious and secular conservatism, distortions of political systems, deep social sentiments of fear and uncertainty. The analysis also maps the caveats of left-wing governments, and issues such as corruption and complicity with authoritarianism as elements to be accounted for when charting the current landscape. It also locates gender, sexuality and abortion at the center of this conundrum. The authors' view is that the Latin American rightward storm cannot be fully apprehended without seriously taking into account the Vatican-inspired anti-gender crusades that, in rather ecumenical manifestations, have swept across the region since 2013.

In the last chapter of the section, "Sexual Politics in Post-Soviet societies: A Preliminary Cartography", Yana Kirey-Sitnikova and Anna Kirey provide a rich and thorough overview of a regional space whose sexual politics dynamics are not so often examined. This chapter looks at sexual politics dynamics at play in post-Soviet states – Belarus, Moldova, Ukraine, Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan – having Russia at its center. In recapturing the regional contemporary history, the authors describe how the 1990s transition to democracy overlapped with the detrimental economic effects of drastic privatization, setting the stage for the post-2003 return to autocracy, especially in Russia (the so-called "Putin era").

This is when CSOs working on HIV and AIDS and LGBT rights and gender studies units were established (supported by international funds) that, to a large extent, still define the contours of politics around gender and sexual rights today. Yet, democratization has also opened the space for nationalist and dogmatic religious forces, in particular the Orthodox Church. Gradually these forces gained strength as, with more intensity after 2010, Russia became a key actor in this political arena. The chapter also shows, however, that attacks on abortion and LGBTTI rights are not specific, however, but must be placed in the larger scenario of shrinking civil society space, culminating with the 2015 suspension of external funding for CSOs.

Kirey-Sitnikova and Kirey also observe that, despite these dominant authoritarian tendencies and the weight of Russian influence, many countries in the region have experienced significant democratic waves. Sharp distinctions in terms of legal frames can also be identified between the so-called Western States – Georgia, Moldova and Ukraine, that all aspire to inclusion in the EU – and the other countries more closely aligned with Russia. They also note that not everywhere Soviet-era legal abortion frames are attacked as in Russia, but also observe that in a number of countries other reproductive rights violations are blatant today, as in the case of sex-selective abortions in Armenia and forced sterilization in Uzbekistan.

A less pronounced pattern is found in relation to the ‘laws against homosexuality propaganda’ aimed at criminalizing public speech and information on same-sex relations. These provisions started to be tabled in the 1990s, but it was just in 2013 that a first law with such a content was approved in Russia. Today, while these types of provisions are brandished by state authorities across the region as a response to the Western attack on traditional values, the global media and international observers tend to consider them the main and, eventually, the only threat to sexual rights across post-Soviet societies, which is not always the case, even when in various autonomous Russian regions and non-Western-leaning countries, similar provisions have been tabled or approved. A thorough analysis of the landscape should also take into account that in countries looking for EU accession, such as Georgia, Moldova and Ukraine, anti-discrimination provisions to protect LGBTTI rights have also been adopted (which does not necessarily imply that these rights are now fully respected). On the other hand, and most significantly, the authors underline that: *“contrary to the intended goal of these restrictive laws on abortion and LGBT rights, these reform processes have generated great visibility and multiple public debates on feminist and LGBT issues.”*

The last section of the chapter – Trans Issues: from a medical condition to politicization – revisits the Soviet Era gradual acceptance of trans bodies and experiences within a biomedical frame to then retrace the winding transformations of trans politics under the impact of post-1990s transnational exchanges. It weaves a fascinating narrative on the progressive views of 1970s doctors and sexologists and the later shifts in trans self-perception and political parlance resulting from internet exchanges and the global circulation of queer theorizing. The section draws a four-fold typology of forms of trans organizing today – horizontal support networks, state- and medical-oriented action, LGBT politics and queer activism – pointing towards tensions and gaps across these clusters.

Kirey-Sitnikova and Kirey conclude the chapter underlining that it is very hard to predict how abortion and sexuality politics will evolve in the post-Soviet space in the near future. Although framed specifically to the region, when considering conditions prevailing in sexual politics worldwide today, this cautionary note may be pertinent to all regions included in the first part of the e-book.

National Contexts: China and India

The second section of this volume begins with Huang Yingying chapter on China – “Sexuality research and sex politics in 21st Century of mainland China” – which examines sexuality research in China as a field of

observation from which the elements also allow for capturing the dynamics of gender and sexual politics. The analysis is based on large sample of state universities' reports, Chinese and foreign literature, civil society research production, as well as on the observation of seminars and conferences.

Huang shows how this field of research that, for many decades, was heavily informed by sexology and health paradigms, has radically shifted. One factor behind this turn is HIV and AIDS because, from the mid 2000s onwards, after many years in which the epidemic was largely confined to blood transfusion transmission and IV drug users, sexual transmission has become prevalent in China. But more prominently, these shifts took place under the effects of the "Open Door" economic policy, which gradually propelled deep and wide social and sexual change that would enhance new lines of investigation on LGBTTI+ identities, sexuality education and sexual pleasure and the subjects raised and debated by the young feminists – whose agenda differs widely from the previous generation of "Communist" women's equality advocates – in particular, on gender and sexual violence.

The scrutiny of research driven by HIV and AIDS reveals that it is heavily medicalized and dominantly focused on men who have sex with men. Yet, as in other contexts, HIV has opened more space for gays studies. In Huang's view, however, this domain remains dominantly linked to the state-led agenda of family values and social stability. Even so, though marginal, in recent years ethnographic studies have also flourished that look into urban gay and lesbian sub-cultures. Another emerging area looked at are the efforts conducted by CSOs, which use story-telling frames to make visible the lived experiences of sexual dissidents, including their sexual practices. This strand interweaves with related cultural projects such as film production and festivals as well as literature.

The other two realms addressed are sexuality education and young feminists' agendas. Huang underscores that current research efforts in sexuality education differ from past sexology approaches dominant in China because they are neither biomedical nor technical, but rather participatory, rights-based and gender-sensitive. But in her view, this line of work often lack's conceptual clarity. Huang also identifies paradoxes in young feminists' research and action initiatives, that are centered on gender and sexual violence and combine story-telling, performativity and savvy digital interventions. In her observation, while radical in some aspects, such as in their critique of gender binaries, the young feminists' emphasis on male sexual domination creates many tensions with sexuality educators that emphasize positive approaches to sexual practices. This view also implies a radical position against prostitution, a stance that aligns them with the older feminist generation, and most principally with state parameters on the matter.

Huang's reflections on the expanding sexual conservatism in China are a key part of the chapter's insights. This sexual conservatism is identified in recently-deployed discourses and policies aimed at promoting stability (social harmony, in Confucian terms) and it is sharply illustrated by attacks on prostitution and growing sexual censorship. But it is also manifested in waves of sexual panic against the "homosexualization of boys" and the marketing of sexual toys that, significantly enough, are mobilized by older women (aunties) linked to Christian churches. The other key contribution of the chapter is a concise but sharp elaboration on the limits of Western epistemologies on gender and sexuality to dialogue with and better grasp Chinese constructs, norms and practices. In that regard, Huang underlines the relevance of exchanges with theorists and researchers, such as Josephine Ho and Ning Yin-bin who have developed the concept of 性/别 (gender/sexuality), combining historical analysis and critical reflections on how gender/sexuality frames have been constructed and deployed in Taiwanese society and allowing for more precise understandings of how gender and sexuality systems work in Chinese culture.

"'SABSE BADTAR – TEEN-SO-SATATTARI!' (THE WORST – 377!): Queer mobilizing in India against anti-sodomy law", authored by Vivek Divan is the last chapter of the volume. It is not a conventional academic paper but rather a personal narrative, a critical self-reflection of a gay lawyer engaged in public litigation who was not an observer but rather part of the struggle that started in the early 2000s to finally achieve the abolition of article 377 from the Indian Penal Code in 2018. Divan's narrative recaptures the long trajectory of this struggle in detail illuminating the complexities and pitfalls inherent to political mobilizing around human rights and sexuality and showing how critically important it is to retell these stories.

The text retraces the antecedents of mobilizing during the 2000s, identifying its connections with 1980s, with feminist, gay and lesbian debates, and, most principally, with HIV and AIDS, as a main propeller of the litigation. Then it looks into the tensions that mushroomed around the HIV and AIDS motivation of the litigation and examines the intricate problems of, and ethical questions related to, political representation and the challenges to ensure the widest participation possible when mobilizing for legal change.

More importantly, perhaps, the chapter scrutinizes conceptual fissures around which tensions constantly emerged, such as those related to the invisibility of Hijras under the MSM language that informed the litigation, the complicated position of lesbian sexuality vis-a-vis the law, the problem of privacy as a main ground upon which to set rights claims and, most principally, interrogations or even distrust of the state and the law itself. In retracing these conflictive dynamics the narrative does not evade the emotionality of these dynamics and the

losses they have implied, including of friendships. The chapter is a remarkable story-telling about how difficult it is to build consensus in sexual politics.

Nevertheless, Divan considers as well that these conflicts had positive impacts in transforming the mindset of lawyers, including himself, and gradually shifting the petition argument toward the dignity of queer people, and he deeply appraises the effect of the litigation as a propeller of an intersectional and broader queer politics in India. On the dark side, however, the narrative also tells about the gradual dissolution of the 377 coalition, exploring some reasons why this has happened, such as the difficulties in sustaining wide processes of mobilizing and the 2013 Supreme Court recriminalization of sodomy. Divan also analyzes how distorted re-interpretations of the struggle and the problematic interference of the 2015 US LGBT foreign policy have negatively affected the politics around 377. Not less importantly, he retraces the insidious process of appropriation of the new round of litigations aimed at striking down the law, which began in 2017, by actors that were not part of the broad-based struggle during the mid-2000s. The chapter ends with a strikingly insightful reflection on the challenges of intersectional queer politics in India that offers numerous ideas for debates underway in many other contexts.

There are very good reasons to say, therefore, that in the pages that follow you will find a remarkable amount of information, analyses and inspiration.

Good reading!

Sonia Corrêa and Richard Parker

Part 1

Regional Spaces

African Sexual Politics: A Pan-African Lesbian Perspective

Varyanne Sika and Awino Okech

Introduction

In 2011, an African queer manifesto was published (Ekine et. al, 2011). Written in a roundtable session held in Nairobi, in April the previous year, by a small group of activists, the manifesto sought to synthesize the shared work, history, relationships and thinking of a diverse and growing multitude of Lesbian Gay Bisexual Trans Intersex (LGBTI) activists and activist groups throughout the continent. The text portrays queer African struggles as the open-ended work of imagination and memory aimed at creation and reclamation of identities and lives. In its suggestive opening sentences, it describes these struggles as a movement in opposition to ‘neo-colonial categories of identity and power.’ The manifesto uses the evocative language of the ‘infinite’ and ‘endless’ to conjure both the mythology and realities of Africa. It constructs the aegis of LGBTI without making any particular definitions or prescriptions of identity or sexual orientation, except for emphasizing the African identity in itself.

The manifesto addresses the difficult work of figuring out how to avoid identity definitions, because these definitions, even when they are very broad, become authoritative and imply a certain degree of conformity that necessarily exclude those individuals, groups, and generations who exceed them. No definition is given of LGBTI precisely in order to include those (present and future) queer people whose queerness is beyond any categorization now available. Instead, the document uses LGBTI as a term that departs from within itself to reach beyond what can be readily defined, that is pointing towards queer dreams. “To make manifest” is to reveal, such that what is shown can be seen, and within this frame queer lives are defined not by a document but by how they are lived within life itself.

Sexuality rights struggles in Africa are defined in the text first and foremost African struggles concerned with *self-determination at all levels of our sexual, social, political and economic lives*. A queer struggle, in the manifesto’s vision, is not something apart from other political labors but rather placed *proactively within all movement building supportive of our vision*. As such, queer struggles are neither focused on single issues nor

exceptional. The manifesto deploys a vision of struggle that encompasses ‘pleasure’, ‘passion’, ‘cooperation’, ‘respect’ and ‘solidarity’. Queerly, the African struggle for liberation is not merely ‘against’ something but rather a renewed affirmation of struggling ‘with’, ‘for’ and ‘towards’. The queering of societies is an attempt not only to liberate those who declare to be queer but also to transform all African struggles, to invest all African struggles against oppression with the fullest and truest revolutionary potential of the queer. The manifesto reminds us that “[a]s long as African LGBTI people are oppressed, the whole of Africa is oppressed.”

African feminists theorizing sexuality

In the past two decades, the field of gender and sexuality in Africa has grown exponentially. This highly visible blossoming has taken place both in the formal systems of academia and institutional organizing but pertains to a much longer history of woman-authored African thought and oppositional cultural practice, which predates the name of ‘feminism’. As underlined by Kenyan scholar, Wambui Mwangi (2013): “*Kenyan women have been laying their bodies on the line for years.*” This vast production of women’s activist and intellectual work openly contests the colonial and postcolonial constructions of Africa sexualities that were and remain central to the logic of domination and exploitation of the continent and its peoples, and creatively expands existing thinking on and interpretation of sexualities (Arnfred, 2011; Gatter, 2000; Helle-Valle, 2004; Mama, 1996; McClintock, 1995; McFadden, 1992, 2003; Oinas & Arnfred, 2009; Tamale, 2005). This strand of feminist thinking and research markedly differs from intellectual views that attempt to address African sexualities from conventional report-driven, development oriented or demographic and health based approaches (as exemplified by the reports produced by UN and other international institutions, such as FAO, 2004; Population Council, 2014; SIDA, 2005; WHO, 2013). The lesbian and feminist African voices who can now be heard sharply illuminate dimensions of queer lives that are usually absent or concealed in these mainstream narratives and analyses.

This can be illustrated, for example, by the path-clearing labor performed in books and publications such as *Feminist Africa on Sexual Cultures* (2005), *Subaltern Politics* (2006); *Body Politics and Citizenship* (2009) and *Researching Sexuality and Young Women* (2012). Other groundbreaking references, albeit in entirely different language, are to be found in the fictional anthology, *Queer Africa* (Martin & Xaba, 2013) that was awarded the Lambda Literary Award for best LGBT anthology in 2014,¹ and in the magisterial and inexhaustible

¹ Retrieved from www.lambdaliterary.org/26th-annual-lambda-literary-award-finalists-and-winners/

many thousands of pages of the *Women Writing Africa* (2003a, 2003b, 2003c, 2008), which compiled a vast multigenerational collection of African feminist writings. One main contribution of these varied feminist academic and literary work is that it leaves behind the colonial and Western habit of incessantly framing African women and gender non-conforming lives exclusively through the lens of violence.

As noted by Muthien (2013), in Africa (as elsewhere in the world), the place and meaning of violence as a patriarchal tool of discipline cannot be minimized. It must be analyzed and contested as a major factor that increases the risk of HIV/AIDS infections, or the control of women's bodies and lives. On the other hand, however, it is vital to also map and understand tactics used by women to escape these grips of violence and control, as for example, when queer women opt for heterosexual relationships and marriages or removing themselves from society, in order to survive.

Not less importantly, African scholars, researchers, activists and artists have also emphasized the relations and pleasures of lesbian and queer lives. In reflecting on the trajectory of gender and sexuality research and thinking in institutions of higher learning in Africa, Bennett (2008), for example, highlights "*the vibrancy, complexity and visibility of sexuality as a zone of pleasure*" that characterizes this production. In the same wave length, Faith,² a co-founder of the Kenyan organization, Minority Women in Action (MWA)³, explains that one of the original goals of the organization is "*of course, to have fun*" (Dearham, 2013). This energetic and wholehearted ability to laugh, celebrate, play and revel sharply contrasts with conventional narratives of African sexual realities construed almost exclusively as "*a terrain of assault, choicelessness and physical/psychological damage*" (Bennett, 2008).

This subversive and pleasant view of African sexualities is also reflected in *The Quilt*, a text woven by the collective of Renée Alexander Craft, Meida Mcneal, Mshai S. Mwangola, and Queen Meccasia E. Zabriskie (2007) in which the authors describe dancing as a privileged moment of black African feminist friendship and life sharing. Its poetic and impassioned articulation of twenty-first-century black feminist ethnographies stands out as a particularly powerful contribution for energizing African feminist intellectual and political labors such as when these women say:

2 Name as used by Dearham (2013) in her research; while not explicit, it is understood that the surname is omitted for the safety of the activist.

3 See at www.galck.org/mwa/

“[W]e each experienced moments when our ‘profane’, leaky, curvy, mother/sister/daughter/macomère bodies, bound up in the politics of our national and ethnoracial identities, unsettled the ‘sacred’ spaces of our field sites and academies, often in unintentional and unexpected ways.” (p. 55)

Another landmark bibliographic reference to be mentioned is Sylvia Tamale’s *African Sexualities*. The volume focuses on the ethics, process and methodology of feminist research thereby contesting past and present power dynamics in knowledge production on gender and sexuality in Africa. With this line of thinking, in addition to paying careful attention to the social, cultural, ethical and economic contexts being researched, Tamale also provokes us when she asks: why should we engage at all in sexuality research? The response is given by The Quilt collective when they declare that to research and write is “to bear witness”, but also by Meida (2007) when she insightfully asserts that:

“The ethnographic narratives we document are interventions on both local and global scales. They are parables of importance, reflections for the local communities who made them in the first place as well as lessons for a global audience to bear witness to.” (p. 66)

This concise review of feminist and queer intellectual production on African sexualities cannot gloss over either *Tommy Boys, Lesbian Men and Ancestral Wives* (Wieringa & Morgan, 2005), a book that revealed a variety of same-sex relations and practices amongst women in six culturally and linguistically diverse sub-Saharan African countries. The authors in the collection emphasize how these practices are deeply grounded in African cultures. The book charts similarities, differences and ambiguities of these practices but also how they are socially perceived and reacted upon. The stories collected in the book speak to the vast diversity of queer women’s lives and relations in different contexts. As the title suggests, these relations comprise a complex and colorful spectrum of affective partnerships that range from socially recognized and legitimate marriages between women (rooted in cultural traditions), to sanctioned bisexuality and what we may call transgender expressions. The book also shows that while some of these women live in relatively liberal communities, others are subjected to near-complete censorship. It also maps the strategies used by these women to cope with hostile environments, which sometimes require combining rigid performances of femininity and masculinity in public with fluid cross-gender practices in private. The multiple, non-uniform, non-dogmatic expressions and articulations of gender and sexual nonconformity that emanate from the book pages are compelling illustrations of subjectivities and life experiences that exceed the dominant institutionalized LGBTIQ categories, discourses and related politics.

‘African homophobia’: caveats and effects of a hegemonic narrative

Over the course of the past twenty years, narratives on sexuality and gender identity in Africa have largely focused on Africa’s intolerance, discrimination, and opposition. Suffice to glance over the international press to read headlines such as: *Pride Uganda has been crushed*,⁴ *Tanzania’s President Says Gays Will Be Expelled*,⁵ and so on. These facts are indeed relevant. However, the motivations and meaning of these political and legal regressions cannot be fully apprehended if they are not consistently situated in context, articulated with wider political and economic trends as well as historical legacies.

Across the continent, many of the regressive positions taken by state actors, while framed as states’ resistance to the Western neo-colonial impositions, are also fundamentally based on inherited and ‘improved’ colonial laws (Lind, 2005; Abbas, 2012). On the other hand, while African governments broadly profess constitutional protection of rights pertaining to dignity, education, health, freedom of expression, very few prohibit discrimination or protect rights based on sexual orientation. Homosexual acts often remain illegal under colonial anti-sodomy laws or else vague statutes outlawing indecent or unnatural acts (Armisen, 2014; The Other Foundation, 2016). Ekine (2013) describes these legislative postures as part of the “heterosexual project of nation building” which defines citizens and non-citizens within a logic that replicates the colonial project of dividing and subjugating. Tragically, it often seems that queer people in African societies are perpetually struggling to merely be recognized as citizens. If one is not even considered a legitimate citizen, how can then one demand any right.

Laws are upheld and new ones proposed which continue to exclude, persecute, and demonize gender non-conforming persons. Consider Burkina Faso, where a legal vacuum exists concerning same sex relations. While homosexuality is not criminalized the law does not protect against discrimination based on sexual orientation, in fact, in the Afrobarometer report of 2015⁶, the country was listed as the third most intolerant country in Africa. That same year, lawmakers moved towards criminalizing homosexuality in a bill which lumped homosexuality with bestiality, pedophilia and same sex marriage. In the justification of the bill those who proposed it made it

4 Retrieved from www.theguardian.com/commentisfree/2017/aug/21/lgbt-ugandans-pride-uganda

5 Retrieved from africanlgbti.org/opdg_news/tanzanias-president-says-gays-will-expelled-even-cows-disapprove-homosexuality/

6 Afrobarometer Round 6: Good neighbours? Africans express high levels of tolerance for many, but not for all. Retrieved from afrobarometer.org/publications/tolerance-in-africa

explicit that the provision was tabled to “*prevent deviant behavior resulting from Western personal freedoms*” (Fasozine, 2015). Even if the bill was rejected by the interim government at the time, this episode is revealing of the complicated conditions in which African sexual politics evolve (QAYN, 2015; Lennox et al., 2013).

In the past fifteen years or so, legal retrogressions such as the one described in Burkina Faso began to occur in several countries in what could be seen as a chain reaction. Chad’s article 361 (a) of the criminal code criminalized homosexuality with up to 20 years in prison. Burundi passed a law in 2009 which punishes homosexuality with two years’ imprisonment. In 2013, in the Democratic Republic of Congo, a bill criminalizing homosexuality was introduced but rejected. That same year, the former president of The Gambia declared homosexuality “*one of the biggest threats to human existence*” in his speech at the UN General Assembly and, the following year, the Gambia passed the Criminal Code Amendment Act which increased prison sentences for homosexuals. Other similar legal regressions have occurred across the continent (QAYN, 2015), confirming what Ekine (2013) predicted a few years ago, when she said that other states would eventually copy Nigeria’s law against same sex marriage originally tabled in 2006 (the Same Sex Marriage Prohibition Act, finally approved in 2014).

On the other hand, there are also isolated cases to be mentioned in which the signs of positive change glimmer at the horizon. One example is found in recent proceedings of the Kenya Supreme Court accepting the contestation of sections 162 (a, c), and 165 of the colonial era penal code that criminalize sodomy as unconstitutional. As argued by the petitioners, these articles violate the Kenyan constitution because they validate and perpetuate stigma, discrimination and violence towards people of non-normative gender identities and sexualities⁷. In contrast with these auspicious signs, State repressive acts against gender non-conforming persons, particularly in what concerns their right to assembly and political expression have become more frequent and draconian. One recent illustration of this is the case of human rights lawyers and activists who were arrested and jailed for purportedly ‘promoting homosexuality’ in Tanzania.⁸

7 The petition to declare sections 162 a), c) and 165 of Kenya’s Penal code was filed in 2016 by the National Gay and Lesbian Human Rights Commission (NGLHRC), the Gay and Lesbian Coalition of Kenya and the Nyanza Rift Valley and Western Kenya Network (NYARWEK) Retrieved from www.galck.org/repal162/

8 Facing prosecution for challenging HIV policies in Tanzania, article by Wendy Isaack (2017) Retrieved from www.hrw.org/news/2017/10/20/facing-prosecution-challenging-hiv-policies-tanzania

These complex, difficult and shifting political conditions must be addressed, debated and resisted. Yet, these facts are depicted and analyzed at the global level predominantly through the charged anxieties of 'African homophobia'. This anxiety obscures heartening and very positive national legal and policy trends in relation to the rights of gender non-conforming persons such as the 1994 South Africa Constitution and subsequent legal reforms and Court decisions, (The Other Foundation, 2016) the recognition of the rights of people of non-normative sexualities in Cape Verde (Armisen, 2014) and the prohibition of discrimination based on sexual orientation and decriminalization of homosexuality in Mozambique in 2015 (Triode, 2015). 'Homophobic' anxieties also makes it difficult to understand the relevance of political gains achieved at the level of African regional human rights institutions, as for example, the 2014 African Commission on Human and Peoples' Rights first ever resolution on LGBT rights and the granting of formal observer status to the Coalition of African Lesbians at the Commission after a much protracted and widely championed struggle. Traore (2015), in reporting these outcomes assessed them as signs that "the current direction of LGBT rights dialogues in several African countries should give us reason to hope for a better future for Africans of all sexual orientations and expressions."

This obsessive focus on regressions and entrenched 'homophobia of African states and societies' mentioned above has an additional problematic effect: it feeds 'the watchdog' role of international LGBT networks. The narrative of African homophobia provides Western LGBT subjects (and selves) with the proof of their own sexual emancipation against the foil of the subaltern other. Consider, for instance, the literary or filmic work that converts individual biographies into Western narratives of progress (Mohanty, 2003; Rao, 2014). Widely watched documentaries such as *The World's Worst Place to Be Gay*,⁹ by Scott Mills (2011) and *Out There*, by Stephen Fry¹⁰ (2013) showcase the trajectories of white western journalists - Mills and Fry respectively - as the speakers of truth to/about African homophobic power (Rao, 2014). In the first movie, Mills' persecution-free upbringing is juxtaposed against the harrowing life story of the gay Ugandan exile, John Nyombi. Fry's documentary provides a broad stroke generalization of the experience of Mugisha, a trans-man who was raped at the age of 14, became pregnant, HIV positive, and suicidal as "*encapsulating almost every detail of the gay experience in Uganda.*" Such narratives are often 'irresistible' to Western audiences and, even when they might convey important truths, the overpowering projections of their political and visual perspective - for example the numerous on-camera African interviewees clamoring for gays to be killed, apparently without compunction or

9 Retrieved from www.bbc.co.uk/programmes/b00yrt1c

10 Retrieved from www.bbc.co.uk/programmes/p01fttn0

fear of legal or other repercussions - makes it difficult to look at Africa in any other way¹¹.

The African queer manifesto, to which we must constantly return, is structured in an entirely different frame of mind than the ones informing the consternating documentary reporting on Africa homophobia that abounds in the mainstream media. In the texture of the Manifesto, queer life in Africa is not about the horrors of being queer, or the exhausting, fit-inducing labor of pointing out how gender conforming and heteronormative Africans are horrible and unrestrainedly homicidal towards people of non-normative sexualities. The text instead underlines a creative energy that is innate to queerness and greater than the sum of all the horrors constantly described in dominant discourses, and emphasizes the transformative revolutionary energy to which one's mind must be directed when confronting hostile communities or an inhospitable world, or even when thinking of what activism or donor funding is supposed to do for queer people.

One main effect of the anxious, macabre form of storytelling that tends to prevail in global North descriptions and analyses is to create and fix the impression that homophobia in Africa is either circumscribed within the boundaries of nation-states or else essentialized as a specifically African political phenomenon. Ekine (2013) explores how these narratives create both confusion in messaging and difficulty in negotiating strategic transnational coalitions on sexuality matters. In her view, it is unclear if these stories and perspectives are propagated in order to allow Western activists to valorize their interventions or to provide a platform for those who are spoken about to speak in their own voices about their own desires and struggles. But there is also a side effect to be mentioned: these days we also see a growing number of Southern activists deploying these same type of narratives on African homophobia.

These trends, it should be noted, have been resisted and responded to. Dearham (2013), in her research of NGO's and queer women's activism in Nairobi (Kenya) notes that the lesbian women she has heard have set up their own activist groups because the utterly dominant transnational focus on gay oppression did not resonate with their experiences and particular struggles. It is all too easy for transnational identity-based and exceptionalist agendas to occlude the economic and geopolitical environment in which African gender and sexuality politics is embedded. Sara Salem (2012), in her essay "Understanding Women's Movements Historically", written from the perspective of Moslem societies, has also tackled the problem in the following terms:

11 Jungar & Peltonen (2017) note in their paper "there is nor real contextualisation of existing differences in legislation and practices," and "nor is there any kind of analysis or explanation regarding the use, implementation and history of the laws," in reference to an article on LGBT rights in Uganda.

“I realize yet again how difficult it is to speak of women’s issues at an international level. Who defines what freedom is, what equality is, what a woman’s status is? Are women in Europe better off than women in the Middle East (excluding economically)? Who decides that, how is it measured? More importantly, why is it so important for Europeans and Americans to consistently construct themselves as advanced on gender issues, especially as compared to the [allegedly] backwards Muslim world? Why is the first complaint from Europeans/Americans usually about “the way Muslim women are treated”? Whose power interests do these Orientalist stereotypes serve?”

Gender, sexuality, politics of recognition and neoliberalism

The transnational identity-based agenda of rights, which is predominantly used to read and intervene in African sexual politics, inherently aims at calling for recognition by the state, in other words for marginalized queer citizens to be recognized and respected as any other citizen. However, the politics of recognition, when mechanically applied to African conditions, reifies the classical colonial and false binary of modernity and tradition. In the simplified logic of transnational rights-based intervention, the global North, because it recognizes non-heteronormative sexualities is constructed as modern, while in contrast, the ‘pre-modernity’ of African culture is singled out as the main obstacle to rights recognition. In addressing this conundrum, Rose¹², a Minority Women in Action co-founder points towards the rhetorical double bind of the human rights perspective: *“Human rights, the word itself, is Western. But... is it to say that there were never human rights concerns in Africa before colonialism?”* This dichotomy, on the one hand, erases historical and present realities of African sexual and gender diversity, and makes invisible the innumerable pre-colonial understandings and practices of gender and personhood in Africa. On the other hand, the binary simplification obscures how, in Western societies, recognition of rights does not necessarily imply altering structural conditions that render gender non-conforming persons marginal or excluded.

This double bind is what explains, for example, how the recognition of gays in the US is today inextricably linked to the debate on gays in the military. As noted by Puar (2007), this recognition frame co-opts queer struggle into the webs of imperialist military expansionism. In her words, good gays are recognized as those for whom nationalist militarization is a noble patriotic imperative. The recognition of “good” lesbians and the marginalization

¹² Name as used by Dearham (2013) in her research, while not explicit, is understood that the surname is omitted for the safety of the activist.

of ‘bad’ lesbians is another dangerous expression of homonationalist trends and narrow identity politics. These problematic outcomes of struggles for recognition evoke Ossome’s (2013) warning that, “[...] *in perpetual search for mass appeal, social movements are bound to eschew, albeit tacitly, themes and contestations that might compromise their critical broad reach and dilute their effectiveness.*” (p. 40)

More importantly, perhaps, the binaries of good and bad queer people, modern and primitive Africans, are continually renewed and re-energized by the rotaries of neoliberalism. In the particular case of African countries it is generally acknowledged that Structural Adjustment Programs, imposed by the World Bank and the International Monetary Fund, since the 1980s, have deployed massive neoliberal policies that greatly impoverished the whole of Africa and whose effects will be felt long into the future (Shah, 2013). In addition to poverty and inequality as negative outcomes, it is also worth considering other less debated effects of neoliberalism, such as on the ways in which funding streams for women’s and LGBTI rights have been reshaped.¹³

Neoliberalism can be described as a conviction that human life attains its highest form only when it is organized by the free market in which competition and so-called enlightened individual self-interest can flourish. This ethos amalgamates with homonationalist currents by propelling calls and claims to ensure that queer people and queer lifestyles become amenable to the labor market¹⁴, the entertainment industry, labelling and the political establishment, broadly speaking, including the entrance in the armed forces. The effects of neoliberalization are not merely economic. As noted by Phipps (2014), they are political and deeply alter the patterns of self-hood or subjectification:

“Neoliberalism [...] operates with an individualized model of the self which can be seen as both reflecting and producing changed models of social organization and self-identity. [...] Contemporary society is set upon a form of ‘institutionalized individualism’ whereby institutions, employment structures and basic civil, political and social rights are geared to the individual rather than to the group”. (p. 12-13)

13 Another key aspect to be taken into account is that in the past ten to fifteen years a number of African states have offered themselves or have been compelled to become allies of the US War on Terror within a geopolitical frame in which the West is the world watchdog. Thus, African governments, adopting the tenets of neoliberalism imposed by extensive postmodern transatlantic economic exertions, renew their complicity in a Western perspective whose logic demands the declaration of the monstrous other, a perspective which they adopt and remix and deploy on various local scales.

14 The developmental model that segregates organizing is evident in resource distribution: At 10.8 million dollars (32.1%), Africa received the most dollars granted to LGBTIQ organizations and projects in the Global South in 2016 (LGBT Funders, 2016). Not only are funds often tied to bilateral aid for HIV/AIDS work, but of the distribution of LGBTIQ dollars, only 4.6% went to transgender, 2.0% to lesbians and 0.2% to intersex people (LGBT Funders, 2016). The focus on public health further narrows the scope of what it is possible to fund in lesbian organizing.

In that regard, Dearham (2013) also notes that today the “spirit of profiting” is also animating the mode of functioning of a number of donor institutions that began seeking a return from those they fund, because funding is now seen as an investment. As a result, funded organizations and groups are compelled to also adopt methods and outlooks that make them increasingly similar (in terms of ethos and operations) to profit-seeking enterprises. Ossome (2015) considers that critically assessing this trend is dire and urgent for pan-African feminist organizations that, in her view, should be asking and responding to “[w]hat would it mean to place human beings before profits.” This is so because in her view, the neoliberal global order “functions perniciously to undermine the working classes, and implicates the ruling classes... [And] the greatest test is then the ability of feminists to challenge this highly dispersed global order by forging solidarity with workers’ demands as a precondition for progressive pan-African politics”. (p. 21)

Having this frame in mind, African queer feminism is inescapably a struggle against the social costs of neoliberalism, in particular the tendency of rely on empowerment strategies based on microcredit in relation to which feminist should ask ‘*whether women’s increased participation in informal economic activity contributes to their empowerment or their impoverishment.*’ Furthermore, as also noted by Ossome, the rigid focus on these neoliberal inspired empowerment strategies on the individual, her interests and, most principally, her identity is deeply reductionist. In summary, the problem with those who pursue identity politics is that they end up obscuring class issues and, in the process, they lose strategic focus and potential for broader alliances.

How to navigate troubled waters? CAL’s standpoint

In 2016, the Coalition of African Lesbians (CAL) said ‘no’ to the creation of a singular/specific United Nations mandate on human rights and sexual orientation and gender Identity. In the statement CAL expressed the view that the mandate, if established to specifically address Sexual Orientation and Gender Identity (SOGI), would not favor a cross-cutting/transversal approach to human rights work on sexuality and gender rights of all people.¹⁵

CAL’s position in regard to the mandate was informed by an intersectional understanding of gender and sexuality. In our view, the creation of special mandate on Human Rights sexual orientation and gender identity would pull

15 Coalition of African Lesbians says NO to Special Rapporteur on Sexual Orientation and Gender Identity (2016) Retrieved from www.cal.org.za/2016/05/29/activists-brief-coalition-of-african-lesbians-says-no-to-a-special-rapporteur-on-sexual-orientation-gender-identity/

waters to the mills of ‘LGBTI exceptionalism’ or to say it differently, a narrow frame devoted to grant special rights to people of non-normative sexualities. Rather, in our view, it is crucial to address gender and sexuality at the intersection of all domains of struggle and political engagement as to not re-inscribe these dimensions of life at the margins where disenfranchised groups continue to be lost.

Our position in relation to a specifically oriented mandate on sexual orientation and gender identity was informed by our view of and experience with states’ logic. Queer interactions with African states do not evolve in isolation but are also affected and sometimes mediated by United Nations political dynamics. In relation to the mandate, CAL’s main concern was that various African governments that cosigned the resolution for the special rapporteur tended to perceive this commitment as a something separate from their obligations to the social and economic, but also sexual, reproductive and political rights of all peoples. If human rights defined in relation to sexual orientation and gender identity are thus isolated it makes it easier for states to regress back towards affirmations that queer activists and feminists are un-African alien bodies, otherwise why would they need ‘special’ institutions and rights? This perception by African states had been previously manifested in the *African Statement on Sexual Orientation and Gender Identity*, delivered at the 19th Session of the Human Rights Council, in 2011, when the first resolution on human rights, sexual orientation and gender identity was adopted.

In CAL’s perspective, the rights that queer people claim are not “special” but the very same rights that African nations promise to all of their citizens. We fully agree with Jessica Horn (2006) when she succinctly writes that, “[s]exual rights are not ‘new’ sets of rights, but are rather based on the application of existing internationally recognized rights within the domain of the sexual body.” This view is reiterated and expanded in CAL’s statement:

“[W]e believe that we need one Special Rapporteur [or Working Group] to offer additional protections for all rights related to bodily integrity and autonomy under the umbrella theme of sexual and reproductive rights or sexuality and gender. A Special Rapporteur on Sexual Orientation and Gender Identity will block such a possibility and do harm to work by many of us to push for broader protections based on sexuality and gender and so address human sexuality and gender related rights of all people.”

Over and over, we read and hear from diverse queer writers and activists the lemma that is at the heart of CAL’s

radical feminism: *'all Africans.'* CAL's strategy¹⁶ articulates the word 'all' as against and beyond the tendency of both civil society and states to stress and fixate identity categories, which often reinforces conservative agendas, but also creates distractions from other structural issues. This tendency has also fertilized the ground for the argument that sexuality related rights are not human rights to prosper. As it is widely known, this strand is fed by the insistence on the language of gay rights or LGBTIQ rights, which may be effective in some contexts, but that in Africa has contributed to crystallize amongst states the view that sexual rights are 'new rights'. CAL's conviction is that sexual right must be placed at the intersection of culture, politics, economics, identity, sexuality, and of every other domain of oppression and expressive liberation. Sexual rights must be exercised as what the African queer manifesto describes as our 'endless potential'.

This is why when conceiving and designing its various projects in research, advocacy, and activism, CAL draws on the "5+1" political framework¹⁷, which focuses on: heteronormativity and patriarchy; fundamentalisms (economic, religious, political); crisis in democracy; militarism; homophobia and environmental crisis. This framework makes it possible for the network to recognize that the historical conditions in the environments in which we struggle are not geographically, historically, socially, temporally or politically isolated, but rather are globally interconnected. When thinking about oppression and the pathways towards liberation women in CAL always ask two questions: *"what does it mean?"* *"how does it manifest itself?"*. In excavating these questions we found responses that resonate with the Nairobi Declaration emphasis on celebrating our complexities and the need to transform the entire landscape of justice. For that to happen we must revisit and embrace foundational feminist tenets in what concerns the socio-economic, political and cultural factors that produce gender.

CAL's vision recognizes that subjectivities are socially constructed. We understand that discourse, as a key device of socialization, is inherent to identity formation and self-perception. It determines "truth" in ways that are not always objectively verifiable. For example, certain discourses of gender sustain perceptions and practices regarding a feminine woman that may lead one to consider and believe herself to be weaker than her masculine partner regardless of many evidences to the contrary. The same applies to discourses around the family. For example, in South Africa, women who are heads of households and live surrounded by other women-headed households are more than often compelled to assert that men are heads of households. The ways in

16 Retrieved from www.cal.org.za/wp-content/uploads/2016/10/CALstrategy2013-2018dc.pdf

17 Initially developed by Women Human Rights Defenders International Coalition.

which discourses propel reductionist views on identities, experiences and roles is also highlighted by Audrey Mbugua when she writes about *“systematic ploy to erase the transgender community, experiences and lives”* by portraying trans-women merely as one expression of gay men or else by policing them through severely self-disciplining to perform “robotic forms” of femininity. If in the first instance, trans-women’s identities and self-expression is rejected, in the second it is subsumed.

A feminist intellectual and political project that interrogates the social construction of identities allows us to move away from these essentializing discourses and leaves open the possibility for subjectivities to evolve: as we unearth and create alternative discourses and practices we can give rise to new expressions of subjectivity. In this realm, CAL aligns itself with the frame advanced by The Quilt collective when it underlines that:

“In order to tell ethnographic stories honestly and ethically, we must address the multifaceted aspects of our own experiences, explicating what we mean when we name ourselves ‘black’ and/or ‘African’.” (p. 58)

This plastic vision of how identities are constructed and evolve is not exclusive to the provinces of literary work. The Special Rapporteur on the Situation of Women Human Rights defenders in Africa, Madame Reine Alapini-Gansou also emphasizes this multidimensionality in her policy statements, as for example when she lists the overlapping contextual factors that contribute to violations of the human rights of women defenders in Africa: patriarchy, heteronormativity, militarization, religious and other extremisms, and globalization. In the report published in 2014 by ACHPR she names privilege, power relations, female labor roles, structural inequality, lack of sexual autonomy and the use of violence as factors sustaining patriarchy and reminds that that *“[w]hile patriarchy is embedded in cultural beliefs, it is often codified in legislation.”* (p. 27) She also critically retraces how the dualistic division of people into two genders (and concomitant gender roles) came into being and identifies heteronormativity as *“the basis of discrimination against single women, divorced women, and widows ... [and] against lesbians, bisexual women, and trans persons, as it creates a sexual hierarchy of ‘normal’ and ‘abnormal’ sexualities...”* (p. 27)

This understanding is critical for struggles organized around ‘rights’ because quite often rights language is unable to, at the same time, interrogate cultural constructs and contest the asymmetries to which queer people are submitted in their relations with surrounding social formations and the state. ‘Culture’ itself is a troubled terrain better understood as a process rather than a given and we must constantly search for new names and concepts to better grasp how it produces hierarchies. Sokari Ekine, for example, uses the term kyriarchy because,

“rather than patriarchy, which is concerned with the domination of men over women, it allows for a more complicated relationship of power based on multiple intersecting structures of domination such as race, ethnicity, class, sexual orientation and gender.”(p. 80)

CAL follows this pathway because, in our view, the invocation of kyriarchy allows for re-inscribing culture and rights in one powerful frame that prevents divorcing queer feminist struggles from the complex and unequal contexts in which they take place. Against this backdrop, the principles of autonomy, self-determination and political unity are the main guidelines in CAL’s analysis of the environment where it exists but also for organizing and alliance building. And creating alliances is always a main challenge. Queer feminist activism constantly require us to ask ourselves and others how solidarity can be achieved, because desire and need for feminist solidarity is always fraught with tensions. What issues to address? How are they interrelated? How to navigate and articulate these interrelations? What issues are obscured when we articulate the various struggles of people of non-normative sexualities?

What about funding?

Another critical aspect of the environment in which we exist is money. Money is necessary to enable movement building and political work but, at the same time, carries with it complex circuits of power and exclusion. In Africa, as elsewhere, the sources and modalities of funding often circumscribe or even restrict what can be said and done. Quite rarely funding streams allow intersectional programming. Most donors focus on single issues and this tends to propel competition and ‘balkanisation’. However, as complicated as the funding environment may be, we cannot not seriously ask ourselves and others how can strong movements be built without funding in a continent as large and unequal as ours. CAL’s systematic resistance to “single-issue” policies and politics recognizes these complexities and ambiguities. In navigating these we are inspired by Salem’s guidance when she writes that,

*“this does not mean importing western ideas of emancipation, gender equality, or feminism. It means working with what we have, which is a lot, and trying to solve problems from a local perspective.”*¹⁸ (2012, p. 45)

18 Understanding Women’s Movements Historically (2012) <https://neocolonialthoughts.wordpress.com/2012/02/25/understanding-womens-movements-historically/>

In that regard, it is also important to remind that African women of all quarters have always been a part of a vast gamut of liberation movements even when, quite often, they were marginalized by their leaders and participants. As noted by Osome (2015) these engagements were not just about survivalism: *“African women consciously labor out of necessity, but also out of a sense of shared struggle to provide for their communities, undertaken through centuries of dispossession under slavery, colonialism, and under contemporary neoliberal capitalism.”*(p. 14)

The movements she is referring to were fundamentally political. But in the past few decades the professionalization of political organizing has implied a gradual move away from investment in consciousness raising and political ideological analysis, as the core of CSOs action programs. This has led to de-politicization, which is one main challenge faced by CAL in its effort towards movement building in Southern, East and now West Africa. In our vision social justice work must be politicized. CAL’s Autonomy Project that began in Southern Africa mainly focuses on consciousness raising. Then through the aforementioned 5+1 political framework and feminist visions we have engaged in dialogues and coalitions with a myriad of organizations and individual activists as to unpack the ways in which experiences of oppressions even when deriving from the specificities of sexual orientation are also traversed by gender, racial, class and religious dimensions.¹⁹

CAL is not the only African organization whose political work is broadly framed. In recent years, we have witness the birth and development of African led queer funds such as UHAI East African Sexual, Human Rights Initiative (UHAI-EASHRI) and The Other Foundation whose programs are also driven by the need to shift the terms of conversation on resources (money), activisms and donor relations. Wanja Muguongo²⁰ (2012), for example, notes that these new modalities of thinking and organizing are necessary because for many years there has not been much investment in movement building. A critical element of these novel frames is that they allow for local voices to determine funding priorities and counter dominant funding models in which the resource pipeline is what determines actions to be implemented. This is illustrated by the strategy designed by UHAI-EASHRI, among other actors²¹ beyond LGBT organizations, to resist the passing of the Uganda Anti-Homosexuality

19 Autonomy Project, 2017. Retrieved from www.cal.org.za/2017/12/07/launch-autonomy-project-posters/

20 Wanja Muguongo is the founding executive director of UHAI-EASHRI based in Nairobi, Kenya.

21 Health and Development Initiative (HDI)- Rwanda, UHAI- The East African Sexual Health and Rights Initiative (EASHRI)-Kenya, Dr. Ally Possi (Tanzania) together with the Centre for Human Rights, University of Pretoria (South Africa) and the Joint Secretariat of the United Nations on HIV/AIDS (UNAIDS).

Act in 2009.²² In what concerns finding modalities, UHAI and The Other Foundation have recalibrated their accountability parameters by involving activists in the decision making process around resource distribution and by recognizing that individuals outside the collectives with which they work are as crucial to movements as movements are to activism. UHAI describes the type of work they do on their website²³

“UHAI is Africa’s first indigenous activist fund for sex workers and sexual and gender minorities. We support civil society organizing for and by sex workers and sexual and gender minorities with: flexible and accessible grants; capacity support; support for Pan-African organizing and advocacy, including support for activist-determined convening; and knowledge building and documentation...We are committed to identifying and supporting young, nascent ideas, sustaining funding, and accompanying that funding with capacity support in order to grow activist organizations to the kind of structural integrity that attracts further funding.”

Last but not least...

CAL’s core political commitment is to position radical lesbian feminist thought in local, regional and transnational spaces in which the narratives of identity, tradition, protection and morality circulate as a main currencies. But we are also aware of and concerned with the ways in which these narratives overlap with neoliberal visions that delink gender and sexuality politics from broader social justice perspectives. We also view vernacular theorizing, local queer and feminist conceptual production, as an essential part of movement building in Africa.

Not less importantly, if we take seriously the claim that neoliberalism is not simply an abstract set of economic and policy rules to govern societies but a way of thinking, an ideology that materializes in beliefs and practices that frame our private desires and personal motivations, it is necessary to resist it as political formation. This work of resistance requires us to explore anti-capitalist and non-identitarian modes of thinking and practices so as to generate alternative narratives and political worlds. In CAL’s view queering societies means to radically transform the world as we know it in order to create conditions for queer people to be known, for the terms

22 Uganda Report on Violations Based on Sexual Orientation and Gender Identity (2016) Retrieved from www.hirschfeld-eddy-stiftung.de/fileadmin/images/laenderberichte/Uganda/16_10_04_Uganda_Report_on_LGBTI_Violations_2016.pdf

23 UHAI EASHRI Retrieved from www.uhai-eashri.org/ENG/about-us/who-we-are

'queer' or 'lesbian' to become no longer necessary because to be queer and lesbian will be part of flow of social life. Given that neoliberalism means the 'economization' of all spheres of life, it is also imperative to generate counter narratives that challenge the cynicism and seduction of capitalism through our daily practices. For example, while neoliberal dominant frames are centered upon individual competition, performance indicators and investment returns, the queer lesbian work we are engaged with privileges the reclaiming of stories and lives, the possibility of bearing witness to our experiences as a pathway to create the necessary energy and solidarity for all to be able to live as lesbians and people of non-normative sexualities, together, in freedom and pleasure.

CAL's main focus of work are the realities of political organizing, physical security and mental health of people of non-normative sexualities across the African continent. Our work reveals that threats and violations experienced by these persons and groups may indeed favor identity based forms of organizing, especially when and where it is difficult for these groups and persons to engage with and be accepted by other social movements. We have also seen that, in not few circumstances, identity based organizing leads to competition and fracturing. On the other hand, we are also fully aware that the environments in which we move are neither static nor linear but rather variegated as a woven quilt. Consequently, even in contexts where so-called rabid homophobia and the reactionary responses to it seems insuperable, there are interesting developments that open space for freedom.

In that regard, after engaging in the exercise of writing this paper, we realized that despite the important work performed by activists, researchers and thinkers such as Ossome (2013), Basu (2015), Mama (1996) among others, the articulation between the domains of gender and sexuality and the political economy remains underdeveloped. The Queer African Reader tells stories of tom-boys who being unable to pass as feminine girls and women are rejected when in search of formal employment and, years later, find themselves employable. We can also read about discrimination and violence faced by queer individuals at schools, the work-place and other social spaces that negatively affect their ability to be economically secure and autonomous. But after so many years, the knowledge basis on how material self-sufficiency and the ability of persons to express their non-conforming sexual and gender expressions and desires are deeply connected remains partial and incomplete. This is one main challenge ahead in the realm of gender and sexuality research in the African continent.

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Sexuality Research, Sexual Politics and Sexual Rights in the Anglophone Caribbean

Christine Barrow

The problem of sex

Throughout Caribbean history sex has been framed as a moral, social, demographic and health problem. Sexual expressions are denounced as rampant promiscuity evident in blatant homosexuality, sex work, predatory male hyper-heterosexuality, lewd gyrations of women in carnival and dance hall, and teenage girls with so-called “sugar daddies”. The dominant authorities of church and state portray sex as a threat to social order and morality – the cause of overpopulation, violence and disease. The racialized imagery of sexuality provides justification for law and policy to reach beyond social control to regulate sex and family life.

Streams of migration from Europe, Africa, India and elsewhere, and colonialism that passed through French, Spanish, Dutch and British hands have generated a Caribbean complex of ethnicities, religions and laws all, in turn, shaping a diversity of sexual cultures. And yet, a one-size-for-all hegemonic twin ideology of patriarchy and heteronormativity underpinning imperial authority drove post-Emancipation and post-Indenture nation-building designed to ‘civilize’ Caribbean men and women into responsible, upright citizens. At its core was compulsory heterosexuality rooted in nuclear family structures with an appropriately gendered division of labour and the policing of women’s sexuality – within rigid race-class boundaries and inside the marriage bed. The social engineering project was not new – already during slavery, religious authorities had embarked on a moral crusade to promote marriage and stamp out ‘concubinage’ and ‘promiscuity’ – but it went into high gear after World War II with the arrival of social welfare ‘experts’ whose recommendations for family restructuring centred the promotion of marriage with the aim of reducing what were seen through an ethnocentric lens as shockingly high rates of illegitimacy. The experiments were doomed, based as they were on a misconception of the meaning and significance of marriage within Afro-Caribbean culture (Barrow, 1995).

From the mid-1950s, social policy shifted from family reconstruction to fertility control. In response to alarmist Malthusian predictions of population explosion, family planning associations were established across the region

and achieved remarkable success in reducing birth rates, along with maternal and child mortality – though they steered well clear of abortion. Then, in the 1980's and 1990's, HIV&AIDS re-triggered perceptions of uncontrolled, deviant sexuality and reignited moral panic. Official hands were raised in horror as research revealed a plethora of sexual 'risk' practices. The response, epitomised in the ABC formula into the 2000s, again prescribed sexual regulation as urgent and, although presented in neutral public health language, was imbued with conservative morality – Abstinence for young persons followed by Being faithful in marriage, and Condoms for “sexual dissidents who insisted on having sex otherwise” (Barrow et al., 2009, p. xxxi). Up to then, families and women's bodies had been the primary sites of sexual regulation, but HIV&AIDS redirected the spotlight towards male homosexuals and sex workers whose 'abhorrent' sexual practices were not only generating concentrated epidemics, but also infecting mainstream populations. To this day, deviations from heteronormativity are criminalised by law and stigmatised in society. Across the Caribbean, new waves of reactionary faith threaten to derail gains in sexual and reproductive rights and impede further progress. Appeals are made daily by politicians, priests and other moral authorities for the restoration of 'traditional values' rooted in Christian morality and family life.

Against this historical and contextual background, this paper maps trends and tensions in sexuality research, politics and rights in the Anglophone Caribbean. A broad review of research to date is followed by the interrogation of sexual rights by juxtaposing laws and cultures around issues of gender-based violence (GBV), the age of consent and marriage, abortion, same sex relations and sex work. The third section of the paper deepens the analysis in relation to stigma, social exclusion and the denial of sexual rights among gay men and sex workers, women and girls. The paper ends with a discussion of rising religious conservatism and the contradictory discourses of sexual rights advocacy, righteous resistance, political will and public opinion.

Sexuality research: state of art

Despite the rich complexity of sexual cultures in the Caribbean, sexuality was until recently a taboo subject for research. Early anthropology was preoccupied with 'The Negro Family' – with 'matrifocality', 'male marginality' and 'mating patterns' that transgressed the nuclear ideal – the objective being either to confirm or refute labels of family 'breakdown' and 'dysfunction'. Central to this ethnography is the conventional image of sex and gender fused and polarized – 'respectability' is to women as 'reputation' is to men (Wilson, 1969) – and a 'double standard of sexual morality' encoding modesty, monogamy, marriage and motherhood for women; sexual freedom and agency for men. Homosexuality, male and female, was accorded no more than a glimpse, as if non-existent, and the focus was almost exclusively on Afro-Caribbean populations.

As feminist research took shape, black feminine identity inscribed as ‘respectability’ was vehemently contested with revelations of women’s economic, personal and sexual autonomy. Racialized images of enslaved women as mere ‘victims’ of white male sexual predators’ systemic exploitation of their labour and their bodies were challenged by evidence of agency in their rejection of sexual advances and the suppression of reproduction, in licentious bodily displays and blatant moves on white planters, in bearing coloured children for manumission and social mobility, and engaging in prostitution or running brothels for sailors and pirates in urban centres. Indian women, too, practiced resistant sexuality. Arriving in Trinidad under Indenture mostly as independent workers, not under the control of husbands and male kin, they took advantage of the unbalanced sex ratio heavily weighted towards men to negotiate sexual relations – this, despite the ensuing high risk of violence and murder. Hardly surprising, is the fixation of colonial authorities on the ‘Indian Woman Problem’ – on women’s claims to economic, social and sexual independence and their resistance to hegemonic expectations of conformity to docile domesticity.

Today’s women are also perceived to be disrupting feminine norms by privileging career over domestic duty, travelling independently between islands as sex workers and escorts, celebrating and flaunting their sexuality in ‘bashment’, carnival and dancehall performances, and in overt lesbianism (Barrow, 2009; Cooper, 2004; Hope, 2006; Puri, 2004; Wekker, 2006). But when scholarship crosses into praise-songs for women’s resilience and empowerment, it also obscures their every-day struggles in the context of patriarchy as they head households, shoulder double burdens and survive sexual violence.

By contrast, relatively recent masculinity studies portray men either as ‘problems’ or as ‘victims’. The constructs of ‘marginal male’ and ‘reputation’ highlighted men’s limitless sexual freedom and prowess with ‘plenty women’ and ‘children all about’ as proof of virility. From this starting point, research branched either towards a discourse of men ‘at risk’ and ‘in crisis’ – that is, apparently emasculated by restrictions on their social mobility due to the educational success and economic empowerment of women gained at their expense – or one of performative, predatory ‘hyper-heterosexuality’ encoded as the source of child sexual abuse, HIV, homophobia and gender-based violence (GBV). Black masculinity then, was written against femininity – men against women – within a binary, essentialist, a-historical frame that ignored gender diversity. More nuanced contemporary versions of masculinity grapple with the complexities of race, class, age and sexuality in contexts of high unemployment and unequal gender and power relations (Glave, 2008; Lewis, 2003; Reddock, 2004; Smith, 2011).

Negative social constructs of male and female sexuality also prevailed in studies of sexual violence. Violence against women (VAW) was initially trivialised within a psycho-social frame as what happens to women when men get drunk and temporarily lose control, more often than not as a result of provocation from their partners. Subsequently however, the research focus drew attention to the social context of violence, specifically to the construct of masculinity centred on sexual control over women, and, concomitantly, the ways in which women's agency is perceived in the public mind to be subverting gender norms (DeShong & Haynes, 2015, p.10). Although child sexual abuse is understudied, two landmark projects highlight public awareness of the issue as 'serious and extensive' and as 'escalating', and reveal cultures of 'sexually abusive males', 'complicit females' and 'patriarchal values' that privilege male status over the protection of children, along with ineffective legal and institutional systems for reporting and response (Jones & Trotman Jemmott, 2009; Reid, Reddock & Nickenig, 2014). But scholarship has yet to reframe sexual violence against the background of historically constructed and embedded patriarchy and unequal relations of power across gender and generation.

From as early as the mid-1950s, demographic studies refuted stereotypes of unbridled sexuality and resistance to contraception with evidence of positive responses in declining birth rates – this despite religious opposition. In Barbados, the empowerment of women to lower their fertility, take advantage of new educational and employment opportunities in a diversifying economy and, thereby, realign gendered family relations was described as nothing short of 'a social revolution' (Handwerker, 1989). Later, the response to HIV&AIDS triggered an extensive wave of research across the region. Initial public health notions of personal 'sexual risk' and the promotion of behaviour change to safe sex practices were reframed as 'social vulnerability' as researchers grappled with the structural drivers of HIV and demonstrated how these were rooted in gender inequality, GBV, homophobia, social exclusion and the denial of sexual rights (Barrow et al., 2009). A plea has, however, been made for child sexual abuse at policy level still to be viewed as a public health issue, as well as one of child rights, in order to direct attention to teen pregnancy, mental illness, drug and alcohol abuse, STI and HIV (Jones and Trotman Jemmott, 2009, p.248).

Caribbean research has also tackled same-sex sexualities – mainly with gay men (Carr, 2003; Glave, 2008; Gosine, 2009; Murray, 2009), less so lesbians (Wekker, 2006). Bisexual and trans persons are also barely visible, even though lesbians are reported to engage in heterosexual relations including marriage (Wekker, 2006) and gay men are widely assumed to have sex with women. The challenge to heteronormativity and homophobia shapes much of this research as it contests stigma and violence against LGBTQI persons and media images of gay men as 'deviant' and 'predatory', and as transmitters of HIV. By contrast, lesbians are less stigmatized, being seen as low risk HIV transmitters and less of a threat to the moral order.

Sex work studies have tended to adopt the narrow lens of mainstream research by focusing on visible locations – streets, brothels and clubs – though some have ventured into sex tourism and sex work in mining areas of Guyana (Kempadoo, 2009a, pp.42-3). Sex work is portrayed mainly as part-time, flexible and autonomous (Kempadoo, 2009a, p.38) and emphasis placed on conditions of work, exploitation and vulnerability – on harassment by police and immigration officers, and exposure to violence and HIV. The health, wellbeing and rights of sex workers and their, albeit constrained, negotiating agency features in some studies (Sharpe & Pinto, 2006, pp.251-7), as does a review of laws that criminalize sex work (Robinson, 2007), though there is little information on when and how, if at all, these are enforced (Kempadoo, 2009a, p.56). There is minimal evidence of male sex work and then, within a heterosexual frame as young men are drawn into sex tourism, for example, by women who ‘rent-a-dread’ in Jamaica. Interestingly, it seems that they do not self-define as sex workers – distancing themselves from stigmatizing labels the like of which attach to females and confirming a hyper-sexualized masculinity in their status as ‘black male studs’. As Kempadoo (2009a, pp.56-7) points out, studies have yet to tackle the power relations and networks of interdependence between sex workers and their pimps, managers and clients, just as they need to position sex work within the context of high levels of female unemployment, harsh economic conditions, migration and tourism. Furthermore, systematic explorations of the intersections between sex work, sex trafficking and the global sex trade remain as unfinished business on the research agenda.

Finally, recent studies of sexual citizenship are challenging the traditional concept as enshrined in law and defined by race, property and manhood, by promoting an inclusive embodied citizenship that embraces sexual rights (Lazarus, 2015, p.113; Smith, 2011). Yet, the State and the law, bolstered by fundamentalist religion, reinforce a patriarchal construct that privileges heterosexuality with marriage and procreation as the natural, wholesome, God-given purpose for sex, thereby denying citizenship to LGBTQI persons, sex workers and other ‘outcasts’ (Lazarus, 2015; Robinson, 2009). Research conclusions underscore how deeply the dominant, heteronormative language of Caribbean citizenship normalises moral and social propriety, and resists sexual autonomy, diversity and equal rights.

Over the last fifty years or so, scholars have explored the complexities and contradictions of sexuality across the regional landscape, in the process shifting the conceptual lens from conjugality and family structure, demography and disease towards unpacking the social constructs of femininity and masculinity, interrogating the intersections of sexuality, gender, power and violence and, most recently, interrogating sexual diversity and reconfiguring citizenship. Despite these advances, gaps and concerns persist. As in society, so in research,

sex continues to be framed as problematic – as the source of overpopulation, HIV, stigma, violence and social exclusion. These discourses are sustained by monolithic images of patriarchy and heteronormativity that privilege hyper-sexual masculinity, subject women and girls to violence and infection, stigmatize LGBTQI persons and criminalize their sexualities. Much has been written on men's heterosexual activity, and GBV studies have measured rates and types of violence and interrogated laws. Recent research has also begun to hear the voices of women on their sexual experiences and agency (DeShong & Haynes, 2015, p.8) and, to a lesser extent, also listened to men. But intimacy, desire and pleasure remain invisible except, somewhat paradoxically, in research centred on taboo lesbian and gay relationships.

On a more positive note, studies that now distinguish sexuality from gender, though acknowledging the interplay between them, and embrace previously 'invisible' populations such as sex workers and trans persons, have begun to open up a deeper understanding of the range and fluidity of sexual expressions, identities and relations and to challenge normalised gender profiles (Glave, 2008; Murray, 2009; Smith, 2011; Wekker, 2006). But the ongoing challenge for research is also to unravel the links between sex, gender, race and power – very little is known, for example, about how sexuality is mediated by race and ethnicity in the Caribbean. Under-researched too, are the gendered intersections of sexual agency, vulnerability and violence situated between exoticised, racialised images of anything-goes sexual praxis and the straight sex of religious fundamentalism. A mandate for future research is a clearer understanding of these sexual complexities within the context of globalisation – in particular, the impact of social media and the information revolution, popular culture and commoditisation, social inequality and poverty, mass migration and international tourism, and the intensification of late capitalism.

A gulf between research, activism and policy persists. NGO and governmental representatives may well be justified in their complaint that research findings are too abstract and obscure, since much sexuality research does, indeed, assume a discursive, desk-review format so that recommendations for policy and intervention are lacking or difficult to operationalize. Some research on LGBTQI and sexual citizenship has, however, championed law reform and the elimination of stigma and discrimination. Another positive development is the inclusion of women's and men's voices in the research process, but this remains concentrated in personal testimony. Exceptions can be found in health, human rights and HIV related research though, even here, translation into policy for the reduction of sexual and social vulnerability remains problematic.

Sexual politics and sexual rights

Sexuality in law and culture

Caribbean law and the legal profession are revered as the embodiment of highest ethical principles and, although laws still reflect colonial foundations, post-Independence reforms have aligned them with local social realities. Modern law has also become less concerned with controlling female (and male) bodies and more with the protection and rights of citizens – women and children in particular. Family diversity has, for instance, been acknowledged by abolishing illegitimacy and granting equal legal status to all children, and by recognizing common law and visiting unions. Concomitantly, however, these reforms have further entrenched heterosexual sex for procreation and more firmly outlawed gay sex and sex work (Robinson, 2009).

This section explores law reform, along with culture change, in relation to GBV; ages for sexual consent, access to health services and marriage; abortion; ‘buggery’; and sex work.

Gender-Based Violence

Gender-based violence (GBV) persists in many forms, including child abuse, intimate partner violence (IPV), violence against LGBTQI persons and sexual harassment. Reports estimate the proportions of women who have survived violence at the hands of male partners at anywhere between 30 and 69 per cent (ECLAC/UNIFEM, 2003) and suggest that there is little difference in rates across class and ethnicity (Kempadoo, 2009b, p.3). Also reported is the prevalence of child sexual abuse – that girls, children with disabilities and those living on the street are at greater risk, that this violence takes place mainly in the so-called safe spaces of home and school, and that the main perpetrators are ‘family members’ including ‘step fathers, mothers’ boyfriends and biological fathers’ (Jones & Trotman Jemmott, 2009, pp.100, 225, 230). In all probability, sexual violence is under-estimated – the reluctance to report incidents being attributed to trivialisation by the police and legal authorities, and the fear of public shaming, further intensified violence and the forfeiture of male financial support. In Barbados, although three-quarters of the respondents to a survey depicted domestic violence as ‘a major problem’, the same proportion attributed non-reporting to the belief that ‘the investigation would take too long and go nowhere’ (UNICEF, 2014, p.32).

Local feminist mobilisation in tandem with UN global initiatives to end violence against women and girls has triggered public awareness campaigns, education and counselling programmes, and the overhaul of laws across the region. That said, research has also uncovered a disturbing cultural normalcy and social acceptance of sexual violence against women and girls, including incest (Caribbean Development Research Services Inc., 2009; Jones & Trottman Jemmott, 2009, p.226), driven by assumptions of male sexual entitlement and buttressed by misogynist myths claiming that women provoke IPV with skimpy clothing, flirting, infidelity and the refusal of sex and are to blame both for instigating and tolerating it (DeShong & Haynes, 2015, pp.6-7, 9). Sex with underage girls is often not perceived as child abuse (Jones & Trottman Jemmott, 2009, pp.222-3) and perpetrators can and do advance the 'honest belief' defence (that they were of the opinion that the girl-child in question was above the age of consent) and provide monetary settlements to mothers to forestall official reporting (UNICEF, 2013, p.35). But attitudes are changing – the sexual abuse of girls and boys is considered unacceptable and no longer can men beat women with impunity, though conclusions are mixed on attitudes towards violence against gay men (Gosine, 2009, pp.99-103; White & Carr, 2005, p.357).

Though the enactment of legislation has been slow and enforcement has posed serious challenges (UNICEF, 2013, p.20), all countries have child protection laws and most have protocols and hotlines for the mandatory reporting of child abuse. However, up to 2012, only Grenada, Montserrat, and Trinidad and Tobago had national plans of action against child abuse and only the latter had completed a comprehensive review of the relevant laws (UNICEF, 2013, p.27, 46).

Legal processes for sanction and recourse are fraught with lengthy delays, often involving intimidating cross examinations in public courts that deter survivors of violence, although the establishment of Family Courts in several countries is a significant step forward. Court decisions, however, tend to privilege family unity and position women as responsible for keeping families intact, rather than protect them and their children from further violence (DeShong & Haynes, 2015, p.7). Other disturbing signs relate to social media in the form of cell phone pornography and the distribution of sexual images of children, the use of the internet by predators to approach and groom children, and child sex tourism in the form of paedophile networks servicing cruise ships (Jones & Trottman Jemmott 2009, p.225). Caribbean laws and policies have yet to address these issues effectively.

Age of Sexual Consent, Access to Health Services and Marriage

Young people navigate legal inconsistencies in the ages of entitlement to various activities including sex and marriage. The Caribbean norm for sexual consent is 16 years of age. In Trinidad and Tobago, however, the Children's Act of 2012, proclaimed in 2015, raised the age of consent to 18 in line, it was argued, with the standardised CRC definition of the child. This is problematic – it blurs the distinction between say a nine-year-old girl and an adolescent 17 years of age, and denies the sexual agency of adolescents in accordance with the CRC's emphasis on children's evolving capacity for decision-making on matters affecting them. There is also mounting research evidence confirming early sexual initiation, before the age of 16 for more than half of those who have had sex (Allen, 2013, pp.4-5) – behaviour that, with any rise in the age of consent, will be increasingly criminalized. Consensual sexual relations become child sexual abuse, even though the 'young person's defence' may exempt them.

A general policy across the Caribbean also denies independent access to health services (that is, without the presence of a parent or guardian) until the age of 18 years – the age of majority. Although a recent review of legislation reveals no clear laws or guidelines on the issue (Allen, 2013, pp.134-137), health care professionals consider themselves at risk of legal action if they are in breach, and young persons under the age of 18 may avoid seeking sexual and reproductive services.

In most countries, the legal age for marriage is 16 years. Until recently in Trinidad and Tobago, however, the 'marriage exception' made legal provision for Muslim girls to marry from the age of 12 and Hindu girls from 14, though few child marriages actually took place. Raising the age of consent there reopened the debate on child marriage, with government and the Catholic hierarchy referring to 'legalised statutory rape' and calling for law reform, while the faiths concerned continued to resist. The outcome was a rise in the legal age of marriage to 18 in 2017.

These contradictions within the law and between law and reality are not unique to the Caribbean. While proclaiming child protection objectives, legislation also confuses young people, curtails their sexual wellbeing and rights and leaves young girls, in particular, at sexual and health risk.

Abortion

Information on the prevalence of abortion is unreliable, though a recent estimate puts this as 39 per 1,000 women (15 to 44 years) and identifies nearly half (46 per cent) as 'unsafe' (Allen, 2013, p.60). Data from Trinidad and Tobago claim a total of 19,000 abortions annually, with between 3,000 and 4,000 women subsequently treated at public hospitals for the effects of mismanaged abortions. These are cited as being among the top ten causes of hospital admissions (DAWN, 2004, p.133) and the leading cause of maternal morbidity (Martin et al., 2007). Given the illegal and covert nature of abortions across most countries of the region, the figures more than likely underestimate the reality. Women who have neither the access to quality health services, nor the funds to travel are most at risk (Martin et al., 2007; Nunes, 2012).

Safe abortion is essential to the sexual health of women and adolescent girls and globally enshrined as a universal right. Yet, restrictive abortion laws persist. At one extreme, Dominica permits abortion only when the life of the pregnant woman is at risk. Other countries, including the Bahamas and Grenada, have extended this to include her physical health, while others have added her mental health. Most liberal are Barbados, where the Medical Termination of Pregnancy Act, 1983, permits abortion on social and economic grounds, and Guyana where restrictions have been removed, allowing abortion *on request*. Even in countries with restrictive laws, there are medical practitioners who terminate pregnancies, but they face severe penalties. Though rarely enforced, laws mandate up to ten years imprisonment for medical practitioners and often also sanction the women concerned.

Mobilization around abortion rights continues but has been somewhat overshadowed by 'new' sexual rights issues and strengthened religious resistance, especially from the Catholic, Muslim and Evangelical faiths. Not surprisingly, in the two countries with the most open abortion laws, Barbados and Guyana, Catholicism is a minority religion.

Abortion Law and Practice

From the early 1970s, the legalisation of abortion in Guyana was spearheaded by the Pro-Reform Group (PRG) consisting of lawyers, doctors, religious officials and members of women's organizations. After a series of false starts and delays, advocacy intensified and the Medical Termination of Pregnancy Act was passed in 1995. The strategic approach adopted by the PRG was to promote abortion law reform, not as an issue of women's sexual and reproductive rights, but as critical to their health in that it would reduce high rates of maternal mortality and morbidity for which mismanaged abortions were a leading cause, strengthen family planning and, importantly, limit further abortion (Collins, 2016; Nunes & Delft, 1995, pp.14-15). The group opted for public education and information (Nunes & Delft, 1995, p.14), rather than political action and confrontation, to convince those in opposition that abortion is pro-life and that restrictive law does nothing to reduce the incidence.

Implementation, however, was protracted. Public hospitals and health centres resisted compliance and continued to deal with the side-effects of "botched" abortions (Collins, 2016, pp.69-70). Services were readily available in private clinics for those with the means; it was poor, rural women who were denied access. This changed, however, as the Georgetown Public Hospital began to provide abortions as did the Guyana Responsible Parenthood Association (GRPA), though these services are still not well known.

Following the passage of legislation, the campaign weakened and opened space for the resurgence of conservative, patriarchal principles of family life with women scripted as child bearers for the nation. Thus, abortion was rewritten as anti-family and anti-nation (Collins 2016, p.73), thereby undermining the opportunity to use the momentum of abortion law reform as an entry point for women's sexual and reproductive rights.

In general across the Caribbean, early promising signs of abortion advocacy have all but disappeared and the issue has fallen off the legal and social policy agenda under the weight of anti-abortion lobbying and the pressing demands of other sexual rights. As a result, in most countries a woman's right to the autonomous choice to terminate her pregnancy remains severely compromised.

Same Sex Relations

Throughout the Caribbean, 'buggery' (the colonial legal term for anal sex) is written into law as a sexual offence – deemed 'unnatural' by law and as an act of 'gross' or 'serious indecency', even in consensual and

in male-female relations. Penalties are severe and have tended to strengthen in recent years. For example, by introducing gender neutrality into the law, some jurisdictions now criminalise consensual intimacy between adult females (Robinson, 2009, p.14). Paradoxically, in Barbados with a reputation for relative tolerance, anal sex carries the penalty of life imprisonment, while in Jamaica, considered to be most homophobic, it is 10 years (Kempadoo, 2009a, pp.35-36).

Few Caribbean countries have implemented legal reforms, notably Belize, The Bahamas, and Trinidad and Tobago. In Belize, for example, this occurred after the Chief Justice, in August 2016, ruled that Section 53 of the Criminal Code (which referred to “carnal intercourse against the order of nature” including anal sex punishable by up to ten years imprisonment) was inconsistent with the Constitution.

Sex Work

Sex work defies respectable femininity and any related activity is highly criminalised – including procuring, soliciting or loitering in a public place for the purposes of prostitution; aiding prostitution or encouraging persons to become prostitutes; the use of premises as a brothel; and living off the earnings of prostitution (Kempadoo, 2009a, p.16; Robinson, 2007, p.9). Sex workers may also be perceived to contravene the law as immigrants, for same sex practices and for HIV infection in some countries that criminalise non-disclosure (Robinson, 2007, pp.23-24).

Though penalties have been welcomed in relation to coercive and commercial sex with minors, they have also strengthened restrictions against consenting adults. For example, prostitution *per se* was not traditionally a crime (though vagrancy laws criminalized the sale and purchase of sex in public places) but the definition of ‘prostitution’ now includes men and ‘soliciting’ covers private spaces – a move deemed difficult to justify (Robinson, 2007, pp.9, 48). A further complication is the divergence of opinion on the direction law reform should take. Those for whom prostitution is an expression of gender inequality, inherently degrading and violent, argue for legal abolition. Others claim that consensual adult sex work can reaffirm individual autonomy and self-determination and should be given the same protections and rights as any other ‘work’.

Sanctions are unevenly enforced. The tendency among police is to ignore evidence of sex work, but there are also reports of bribes in exchange for protection or suspending arrest (Robinson, 2007, pp.35-36). Perhaps most common, though, are raids on clubs and brothels with the purpose of rounding up, arresting and deporting

immigrant sex workers, who are explicitly barred as ‘prohibited immigrants’ or ‘prohibited aliens’ by immigration laws (Kempadoo, 2009a, p.16), while their clients are largely overlooked.

In summary, law reform relating to sexual rights across the Caribbean has been protracted and uneven, and remains incomplete. The emphasis on regulation to ensure moral rectitude has, to some extent, given way to protection and rights especially in reforms that address violence against women and children. Yet these have also consolidated traditional notions of appropriate sex as heterosexual and confined to familial conjugal relationships for reproduction, not for sale. Despite positive developments in a few countries, sex between men and also between women, and sex work have been further outlawed and penalized. Additionally, although laws for protection depict persons as subjects of rights, no longer as passive minors or second-class citizens, they have also re-inscribed women as ‘vulnerable’ and as ‘victims’. Raising the age of sexual consent, barring adolescents from independent access to sexual health services, and criminalizing abortion entrench state patriarchy and deny the sexual agency and rights of women and girls.

Stigma, Social Exclusion and Sexual Rights

Gay Men and Sex Workers

Not surprisingly in this resolutely heterosexual context in which nuclear family centred morality still prevails and religious conservatism grows, same-sex and sex for money are condemned as socially deviant. A review of media content in Barbados revealed an anti-gay public discourse marked by a string of labels – ‘immoral’, ‘dangerous’, ‘corrupt’, ‘perverted’ and ‘sin’ (Murray, 2009). Across the region, epithets stigmatize the ‘battyman’, ‘chi-chi man’ and ‘buller’ and misogynist, homophobic dancehall lyrics call for the murder of gays and lesbians (Gosine, 2009, pp.99-100). Homophobic intensity connects with the construction of black masculinity centred on heterosexual prowess and the stigma of ‘softness’ in men (White & Carr, 2005, p.8).

Unworthy of legal protection, gay men and sex workers confront stigma daily. It is systemic in the refusal, or even termination, of employment and housing, and evident in inter-personal relations with co-workers, school mates, fellow worshippers, prison inmates, family members and the general public (Barrow & Aggleton, 2013). In health centres, too, the judgmental views of service providers translate into the denial of care and treatment, and breaches of confidentiality. Discrimination takes the form of shunning, scorning and avoidance, or outright violence. In Jamaica, gay men are primary targets, but lesbian and trans persons have also reported ‘vicious

beatings by police, relatives and community-members, some of which have resulted in death; and homelessness after being driven from their communities by angry neighbours' (White & Carr, 2005, p.349). Attacks are justified as 'batty judgements' and delivered with impunity (Carr, 2003). Sex workers also experience violence, physical and sexual, and from many sources including clients, partners, law enforcement officials and sex work business operators (Kempadoo, 2009a), often in private, though not necessarily any less harmful. Stigmatized and outlawed, gay men and sex workers avoid reporting such incidents.

Stigma is intensified by association with HIV (Barrow & Aggleton, 2013). Gay men and sex workers, 'at fault' for self-infection through devious sexual practices, are further outcast as 'vectors' of HIV to the general population (Carr, 2003; Gosine, 2009). Homosexuality also intersects with paedophilia – in the public mind, gay men prey on young boys (Atluri 2001). The psychological impact of stigma and shame manifests in self-harm, suicidal tendencies, drug/alcohol dependence and risky, exploitative sexual relationships (White & Carr, 2009, p.349) along with the avoidance of family, health and social services, churches and other sources of support. Young men struggle with their emergent gay and transgender identities often with no one to whom they can turn.

As elsewhere, Caribbean sex workers are highly mobile. Although trafficking and abduction are reportedly low and moving across national borders may provide anonymity and some escape from stigma, sex workers are also exposed to the double jeopardy of being foreign and engaged in sex work which makes them vulnerable to arrest and deportation (Kempadoo, 2009a, pp.45-46). Social isolation coupled with freedom from home-based constraints may also drive risky sexual exchanges.

In some ways, too, research and policy have compounded stigma by portraying gay men and sex workers as 'victims', thereby undervaluing their agency and self-empowerment. In HIV&AIDS responses, for example, labels like MARPS (Most-At-Risk-Populations) and MSM (men-who-have-sex-with-men), though adopted with good intention, reinforce stigma. While epidemiologists claimed that replacing the stigmatizing 'gay man' marker with MSM would direct attention to risky sexual practices, the label also reduces persons to their sexual practices, denies sexual identities and ignores the structural drivers of HIV (Gosine 2009). Though articulated as politically neutral, MSM reinforces dominant heteronationalism.

Women and Girls

As elsewhere, Caribbean mainstream gender ideology is framed as a heterosexual binary with dual gender morality – what is fame for men is shame for women. In translation, this is deeply contradictory. Men want, are

entitled to and get unbridled sex with many women within and 'outside' socially approved relationships; women are into love, marriage and motherhood, preferably in that order. Male sex is carefree, active and dominant; femininity inscribes sex as constrained, monogamous, passive and a danger to health and reputation. A young girl's sexuality is shameful and taboo; by contrast, hetero-socialisation promotes her brother's early sexual initiation, greeted with great relief by anxious parents as evidence of performance as a 'real man'. Across the region, the politics of respectability obscures female sexuality and denies women's agency and pleasure. But Caribbean women have resolutely resisted these hegemonic constructions of domesticity and respectability. The married woman, at home nurturing her children with dinner ready on the table for her working husband, remained an illusion of empire, and today's women are negotiating equality with non-violence (along with fidelity and intimacy) into their relationships with men (Barrow forthcoming). Indian women, too, have challenged patriarchy. While colonial policy worked in tandem with their menfolk to prescribe seclusion and submission in the quest to reconstruct traditional Indian ideals, Indenture had given women 'new freedoms'; resistance was especially evident in their negotiations for their daughters' education (Mohammed, 1995, pp.34-42).

As feminist scholarship exposed the underside of marriage as bondage and subordination, confinement to home and exposure to intimate partner violence (IPV), it also revealed women's sexual agency. Lesbianism was celebrated in relationships between adult women as 'mati' (Wekker, 2006) and 'zami', and as 'macocotte' – that is, friendships with sexual experimentation between adolescent girls. In exotic dance performance, Indian women celebrate their sexuality in chutney (Puri, 2004) and in matikor – a pre-wedding fertility performance during which women engage each other in sexually suggestive dancing and good-natured ribaldry (Kanhai, 1999, p.226). In Jamaica, dancehall is depicted as an expression of female erotic sexuality celebrating the body with 'bling' – flashy jewellery, revealing clothing and extravagant hairstyles. Such 'slackness' is presented as a salute to women's sexual agency – a defiant counter culture, a subversive confrontation with conservative gender morality, and a challenge to restrictive feminine norms (Cooper, 2004; Hope, 2006). But it also commodifies the female body and exploits women's sexuality (Hope, 2006, p.75; Tafari-Ama, 2006, pp.172-177). Puri's (2004) research, too, reveals the double edge of chutney-soca in portraying both the pleasure of oral sex for Indian women and their exposure to sexual violence.

Adolescent Girls: Sexual Sub-cultures of Suppression, Agency and Rights

Adolescent girls in Barbados are confronted by a contradictory mix of sexual messages and social constructs. Their emerging sexuality is denied by parents, teachers, priests and health service providers who privilege a restrictive feminine orthodoxy that encodes abstinence and virginity, and points towards a respectable future in marriage and family life (Barrow, 2009, pp.220-221). They are too young and immature to be sexually active and any evidence of sexual expression labels them as 'fast' and 'force-ripe'. Yet their peer group and popular culture celebrates youthful sexuality encoded as 'bashment' – a compelling, liberating alternative with girls empowered as risk-takers, rather than passive victims (Barrow, 2009, pp.221-222). In Jamaica, similarly, 'Rude Girls' mirror the 'Rude Boy' construct by appropriating images of male sexual agency and power into their own identity landscapes (Tafari-Ama, 2006, pp.44-45). Indo-Trinidadian girls and young women, while accommodating wifehood and motherhood that epitomize morality, femininity and 'respectability', simultaneously negotiate 'appropriate womanhood' towards equality, autonomy and freedom to make their own decisions (Hosein, 2004).

'Bashment' promises sexual freedom and empowerment, while 'respectability' offers security, social acceptance and a 'good' future. But both prove elusive. Research has uncovered evidence of high risk sexual practices including transactional liaisons with older men in which girls have weak, if any, negotiation capacity and are exposed to unprotected sex, teen pregnancy and HIV – in Barbados, twice the rate of that for adolescent boys (Barrow, 2009, pp.216-218). In the context of patriarchal power and unequal relations of gender and generation in which families, schools, churches and social policy project moral disapproval rather than provide protection, 'poor Black women and girls end up as the most disadvantaged constituencies' (Tafari-Ama, 2006, p.85). Neither the construct of 'respectability' nor that of 'bashment' addresses the sexual rights of young women or provides signposts for them to negotiate their own paths to sexual maturity free from stigma, harm and violence.

Overt, assertive demonstrations of sexuality by women and girls are also perceived as a threat to family life and social order. Stigma and shaming as 'whores' and 'wenches', 'Jezebels' and 'jamettes', and even IPV are justified as restoring appropriate gender norms and legitimizing male superiority and control.

Sexual Rights Advocacy

During the last two decades, vibrant NGOs across the Caribbean have advocated for the sexual rights of their constituent populations – LGBTQI persons and sex workers in particular – despite the challenges of severe funding constraints, the struggle for social recognition and occasional vociferous public denunciation.

The Guyana Sex Work Coalition (GSWC)

GSWC was formed in 2008 to promote the rights of female, male, trans and migrant sex workers by providing counseling, support and protection against arbitrary arrest, violence and extortion; to pressure for access to health and social support services; to intervene with police, prison officers and service providers to reduce discrimination and violence against sex workers; to advocate for the recognition of sex work as work, and challenge the myth that all sex work is inherently gender violent; and to empower sex workers to have a voice in public forums for social inclusion and human rights.

The regional profile of the GSWC was enhanced by the formation of the Caribbean Sex Work Coalition (CSWC) as an umbrella group with an extensive mandate to include sex workers across the English-, Dutch- and Spanish-speaking Caribbean and advocate for the decriminalization of sex work, zero tolerance for the sexual exploitation of children, the prevention of coercive human trafficking for sex, and improved health care and treatment. Despite the challenge of depleted donor funding, the work of the CSWC continues and has been enhanced by official inclusion in the Regional Coordinating Mechanism (RCM) of CARICOM.

Sources: <http://www.nswp.org/featured/caribbean-sex-work-coalition>; Kempadoo, 2009a, p.55.

In Jamaica, NGO sexual rights advocacy is especially evident, possibly in response to the perception of highest levels of homophobia there (Gosine, 2009, pp.99-100).

The Jamaica Forum for Lesbians, All-Sexuals and Gays (J-FLAG)

J-FLAG was founded in 1998 to advocate for the human rights of lesbian, gay, bisexual and transgender people. Its Vision is: 'The creation of a Jamaican society that respects and protects the human rights and inherent dignity of all individuals irrespective of their sexual orientation and gender identity: a Jamaica where there is the **freedom to be**, for all people' (emphasis in original).

J-Flag engages directly with local partners and international human rights organisations to promote legal reform, advocacy, education, social services and support. On legal reform, J-Flag has initiated public discussions and submissions on the Sexual Offences Act with a view to making it gender neutral and more all-inclusive, and to ensure redress for survivors of sexual violence. To sensitise and inform the public on issues of discrimination and violence, J-FLAG has prepared a range of tools including e-learning guides and manuals, a newsletter and social media messages, and promoted essay and debating competitions. Homelessness among LGBTQI persons has been addressed with the provision of care, counseling and support, including opportunities for skills training. A support group for parents of LGBTQI persons has been set up, as has an internship programme and advocacy training for LGBTQI persons.

Source: Jamaica Forum for Lesbians, All-Sexuals and Gays, 2014.

Complementing the work of country-based advocacy, the Inter-American Commission on Human Rights (IACHR) has actively petitioned for compliance with international treaties to promote freedom of expression and the rights of women, girls and PLHIV (Roberts, 2013). A recent symposium under the sponsorship of the University of the West Indies, the Pan-Caribbean Partnership against HIV and AIDS (PANCAP) and UNAIDS brought together a wide range of stakeholders to address issues around HIV and human rights with a view to sensitizing Caribbean policymakers and the judiciary, advocating for the inclusion of HIV within current human rights and social services programmes, and reducing stigma and discrimination against PLHIV (Alleyne, 2013, pp.3-4).

Sexuality and HIV Response Programming

The initial global HIV&AIDS response framed the epidemics as an emergency and as a biomedical problem. Public health discourse centred liberal principles of individual autonomy, personal risk and moral responsibility, and

interventions combined medical treatment with public education. The logic was simple: armed with knowledge of HIV transmission, rational individuals would avoid infection – and save their lives – by changing behaviour and adopting safe sex practices. Those already infected would be treated with anti-retroviral drugs (ARVs).

The treatment response made headway in prolonging lives among persons already infected. In Barbados, for example, AIDS-related mortality has been reduced by 80 per cent since 2001 and mother-to-child transmission was down to zero by 2010. But the prevention through education strategy was less successful. There was little, if any, decline in new infections and HIV was spreading to women and youth. The disconnect between knowledge and practice – the so-called ‘KAP gap’ – and the realisation that knowledge, though necessary, is not sufficient for sexual behaviour change demanded a fundamental rethink – a deeper understanding of sexual risk by searching for the structural drivers of HIV. Research and policy responses then turned attention to the complexities of patriarchal power and gender inequality, stigma and discrimination, sexual abuse and GBV, poverty and social exclusion, and the denial of sexual and human rights (Barrow et al., 2009).

Meanwhile, medical research was advancing. In 2008, a consensus statement proclaimed that HIV positive persons on effective ARV treatment with undetectable viral loads have a negligible risk of transmitting infection. Treatment as Prevention (TasP) captured the imaginations of HIV practitioners. In the absence of a cure or vaccine and with frustration over stubbornly persistent rates of new infection, the promise of TasP was far-reaching. The appeal lay in its simplicity and effectiveness – treatment prevents infection; and apparent ease of implementation – with HIV redefined, no longer as an emergency but as a manageable chronic disease, all that was required was the extension of what was already in place, namely the upscale of testing and ARV treatment, including pre- and post-exposure prophylaxis, male circumcision and prevention of mother-to-child transmission (PMTCT). Undetectable equals untransmittable (U=U) and PLHIV can lead ‘normal’ sexual and family lives. TasP pledged prevention for whole populations, the community viral load would be significantly reduced and, by extension, the ‘End of AIDS’ was in sight (UNAIDS, 2015). The tension between HIV treatment and prevention evaporated as treatment became prevention.

But TasP is predicated on mass increases in testing, the link to treatment for all who test positive, adherence to treatment, and ultimately, undetectable viral loads. And, as research from Barbados and Jamaica shows, at every stage the cascade is disrupted by stigma and discrimination, gender inequality and sexual violence, poverty and social exclusion (Barrow & Barrow, 2015). Importantly, too, across the Caribbean, the cost of universalizing testing and treatment has come at a time of sharp declines in donor funds and governmental

struggles to meet budgetary obligations. Constrained funding has led to drug stockouts and shortages, and intermittent treatment which, in turn, drives drug resistance and higher cost treatment. As the Global Fund pulled out of “middle income countries”, so it lost leverage to direct funding to hard-to-reach populations and, more broadly, to urge political will towards changing local discriminatory laws and practices.

Initial TasP euphoria and sloganeering was toned down and attention directed to key populations where the impact might be most effective, such as pregnant women living with HIV, sero-different couples and sex workers (World Health Organisation, 2012, p.15). TasP, it was recognized, could only realise its potential within a ‘combination prevention’ paradigm that integrates biomedical, behavioural and social dimensions, and therefore addresses both individual risks and underlying structural vulnerabilities to HIV infection in specific contexts (Hankins and de Zaldoondo, 2010). Even so, with re-biomedicalisation and the retreat to a clinic-centred public health model, the unique promise of holistic HIV&AIDS programming is being lost – that is, the deployment of a response to disease as the entry point for the elimination of stigma and GBV, and the promotion of gender equality and universal sexual rights.

Moral Momentum

Throughout the world, reactionary religious movements have strengthened resistance to sexual rights. In the Caribbean, these forces are both traditional in the form of the Catholic Church in particular, and relatively new as an increasingly powerful fundamentalist Evangelism, an offshoot of US conservative moral politics. Since the closing years of the 1990s, righteous resistance has threatened to undermine the work of NGOs and to derail progress on the UN inspired global agenda for sexual and reproductive rights (DAWN, 2004, p.13). The primary targets are abortion and LGBTQI rights, most recently gay marriage.

The Catholic Church versus Abortion Rights

The Catholic Church, the largest and most powerful denomination in Trinidad and Tobago, has led the anti-choice movement by reacting forcefully to all calls for abortion law reform and by successfully harnessing other faiths in the promotion of hard-line views that frame abortion as an issue of religion and morality, not public health and sexual rights.

In 2000, the NGO, Advocates for Safe Parenthood: Improving Reproductive Equity (ASPIRE), with a track record of sexual and reproductive health advocacy with special focus on the reduction of unsafe abortion, called for a review of the law and proposed that women be granted terminations on request. To this end, the agency drafted a Model Abortion Bill and spearheaded a public education and communication campaign.

In 2002, ASPIRE issued a plea to the government of Trinidad and Tobago to provide clarification on how the existing law impacts women's health, and to initiate public dialogue on the decriminalisation of abortion. The request was ignored until 2006 when a written response from the Ministry of Health clarified the law as permitting abortions only when the mother's life was threatened. The then Prime Minister added: "My Government does not support abortion ... and I do not propose to talk about it every five minutes".

Sources: A.S.P.I.R.E <http://ttaspire.weebly.com>; Martin et al., 2007

Confrontation between the State, religion and advocacy also emerged in Guyana where abortion law, as mentioned, is the most liberal. Though Catholics are in the minority, faith-based opposition to law reform was evident in prayer vigils and public marches. But it backfired as demonstrators adopted alien tactics and 'picketed doctors' offices, calling them murderers and holding dismembered dolls smeared in red ink on poles, and even carrying tiny symbolic coffins' (Nunes & Delft, 1995, p.15). Given the rise of religious fundamentalism, it is quite possible that the passage of the Barbados abortion legislation would have been a much more tortuous process today.

The response from Caribbean FBOs to sexual rights has been extremely cautious, though somewhat nuanced. But even the smallest signs of religious tolerance are being overshadowed by vocal righteous groups intent on social cleansing.

The Jamaica Coalition for a Healthy Society (JCHS)

JCHS was formed in 2012 by those who envision 'a Jamaican society in which Judeo-Christian values nourish and enrich the social, spiritual, physical, emotional and mental health of society' and who are 'committed to being cultural watchmen and bearers of God's truth and love'. The Coalition's outreach is strengthened by transnational partnerships and an attractive and appealing website.

In a recent letter to members of parliament the Coalition expressed ‘strong support for retaining and enacting laws and policies that protect the sanctity of life, marriage and family as traditionally defined’. Among its demands were:

- Retention of the definition of marriage ... namely the voluntary union of one man and one woman,
- Age-appropriate sex education that is compatible with our laws and preserves the traditional distinction between male and female in accordance with the design of the human body,
- Retention of laws against buggery and abortion,
- Maintaining or increasing the age of consent.

Paradoxically, the Coalition legitimizes its stance by aligning with public voices opposing violence against women, children and LGBTQI persons, and by positioning itself as protector of the weak and promoter of social unity.

Sources: Jamaica Coalition for Healthy Society, www.jchs.org.jm/ ; Lazarus, 2015.

Using strong, emotive language to proclaim their mission to protect and preserve ‘traditional values’ during this era of ‘moral turbulence and decay’, these groups privilege a mythical past founded on Christian family morality to counter the ‘threat’ of modern liberal secularism – denounced as Western imperialist bullying seeking to impose a ‘deviant’ sexual agenda on the Caribbean (Barrow & Aggleton, 2013, p.37; Lazarus, 2015, p.123).

Sexual Politics: Political Will and Public Opinion

Public ideological battles over abortion and LGBTQI rights pit progressive NGOs and advocates against a reactionary and increasingly vociferous religious conservatism. Positioned in between, most Caribbean political leaders have aligned with populist rhetoric that affirms heterosexuality and patriarchy, under the impression that this reflects public opinion. More comfortable with rights of women and children, they lend their voices to anti-violence campaigns, but condemn or chose to ignore homosexuality, abortion and sex work. As Nunes (2012, p.60) contends in relation to abortion rights for poor and marginalized women, when religious morality demonstrates, ‘very few politicians and fewer professionals show the courage to lead a charge for fairness and justice’. Rowley (2011, pp.119-120, 124-5) adds that one cannot assume that women in powerful positions in government are ideologically and politically committed to feminist issues such as abortion. In St. Lucia, for

example, the vociferous opposition to a bill calling for the liberalisation of abortion law was led by the female Minister of Gender and Home Affairs who repeatedly denounced her colleagues as ‘murderers’ and ‘child killers’. In contrast, abortion law reform in Barbados was successfully spearheaded by Billie Miller, the female minister responsible for health, with “a campaign of ‘silent’ advocacy” during which she met with a variety of stakeholders including church and community leaders and governmental officials (DAWN, 2004, p.58.) In general though, political leadership tends, at most, to reiterate tolerance rhetoric with its persuasive aura of virtue and social justice. But tolerance does no more than require us to put up with ‘others’, even as they are labelled ‘deviant’ and ‘undesirable’, thereby further entrenching stigma and homophobia (Barrow & Aggleton, 2013). Governance then, is more about policing the moral boundaries of the nation, than promoting equal sexual rights and social inclusion.

Paradoxically though, public conservatism may well have been over-estimated. Research on sexual rights issues reveals a complex range of opinions including more liberal attitudes of empathy and support. In relation to abortion in Trinidad and Tobago, for example, a 2007 national survey reported 71 per cent of the population in support of broadening the grounds for abortion, though not all were fully pro-choice. Significantly, too, 74 per cent of Catholics approved of abortion law liberalization despite the hard-line view of their church hierarchy (Martin et. al., 2007, p.6).

The results of a series of public opinion polls reflected endemic homophobia throughout the region, but at varying levels and with less intensity than might be expected (Beck et al., 2017; Boxill et al., 2012; Caribbean Development Research Services Inc., 2013a, 2013b, 2013c). Polls conducted across seven Caribbean countries (namely, Belize, Grenada, Guyana, St. Vincent and the Grenadines, St. Lucia, Suriname, and Trinidad and Tobago) revealed that, on average, 66.1 per cent of informants claimed to ‘accept’ or ‘tolerate’ homosexuals, while 31.9 per cent self-reported ‘hate’ towards them (Beck et al., 2017). In another survey, Jamaican respondents scored relatively high on ‘hate/repulsion’ at 46 per cent and low, at 9.5 per cent, on ‘acceptance’ (along with ‘support/nurture/admiration/appreciation’) (Boxill et al., 2012). Lewis (2003, p.109) came to similar conclusions in positioning St. Thomas, Trinidad and Barbados as most tolerant and Jamaica, St. Vincent and St. Lucia as least. At one extreme, Muslims and Rastafarians were most homophobic, while mainstream Christian adherents were most tolerant with a less than might be expected distinction between evangelicals and non-evangelicals (Caribbean Development Research Services Inc., 2013a, 2013b, 2013c).

In Jamaica, where male homosexuality was condemned as morally wrong and as contributing to the decaying social fabric by 88 per cent of respondents, a high proportion (77 per cent) was in favour of retaining laws that criminalize buggery (Boxill et al., 2012). The corresponding average for Barbados, Guyana and Trinidad and Tobago was 56 per cent. Interesting, too, are the not insignificant proportions in favour of amending laws to allow consensual same sex practices in private, averaging 23 per cent in Barbados, Guyana and Trinidad and Tobago with Jamaica at 21 per cent (Boxill et al., 2012; Caribbean Development Research Services Inc., 2013a, 2013b, 2013c). And only 35 per cent of respondents in Jamaica felt that laws should penalize sex in private between two men (Boxill et al., 2012).

The link between homophobia and opinions on the source of homosexuality was also addressed in the Barbados, Guyana and Trinidad and Tobago polls. Although an average of 34 per cent believed that homosexuals ‘choose to be that way’, 24 per cent were of the view that they were ‘born that way’ or suffered from a ‘birth defect’, and 28 per cent attributed their sexuality to socialisation – ‘the lack of/poor moral or religious grounding’, ‘poor parenting’, ‘psychological trauma’ or ‘sexual abuse’. In Jamaica, 53 per cent of respondents felt that professional help could change a homosexual to heterosexual (Boxill et al., 2012), while the proportions in Barbados, Guyana and Trinidad and Tobago who were of the view that homosexuality is ‘an illness that can be cured’ averaged 25 per cent (Caribbean Development Research Services Inc., 2013a, 2013b, 2013c). In sum, though some positive signs can be detected, opinion polls suggest that Caribbean societies are more inclined to tolerate – not condone or accept – homosexuality, and to rescue, convert and heal homosexuals and ‘deliver them to wholesome living’ (Barrow & Aggleton, 2013, p.37), rather than change the law and promote equal sexual rights.

Conclusion

Caribbean countries share a history of patriarchy and heteronormativity working in tandem to valorize heterosexuality within marriage and for procreation, and to outlaw and denounce adolescent sexuality, homosexuality, sex work and abortion. ‘Dissident’ sexual identities and practices are condemned by the State and Church as signs of social chaos, sinful degeneracy and family breakdown, and have triggered periodic moral crises and interventions to regulate sex for the control of fertility and disease, and for nation-building and modernization. Central to the mission of righteous authority has been the simple but effective polarization of sex and sexuality through stereotypes of ‘good’ versus ‘bad’ sex – marriage and monogamy as against concubinage, hetero- against homo-sexuality, and the like. The model virgin girl is tainted and disrupted by her ‘bashment’ sister; the respectable mother by the ‘graveyard’ who has ‘killed’ her unborn child; the virtuous

wife by the 'outside' woman, the 'prostitute' and the lesbian. The hyper-heterosexual man with 'reputation' has rivals in the emasculated man 'in crisis' and the 'deviant' gay man. Gender binary politics situates women as guardians of national purity and mandates control of their bodies, while men have far greater license once they do not cross the line into homosexuality.

Research has contested this essentializing dichotomy by delinking sex and gender and opening space to map the diversity and fluidity of sexuality as negotiated and lived, but law, social policy and public health resist such reframing. While modern law seeks to protect the 'vulnerable', especially women and children, it still triggers stigma by legitimizing heterosexual sex for procreation and criminalizing abortion, 'buggery' and sex work. Sexual violence against children is alarmingly widespread, but raising the legal age of consent and so further criminalizing adolescent sexual experimentation raises questions about whether the law is serving those it is designed to protect. The public health frame highlights the dangers of uncontrolled fertility, teen pregnancy, STI and HIV but, while claiming moral neutrality, also points fingers at the 'at risk' practices of so-called 'MARPS' and 'MSM'. Although global human rights conventions have been ratified by Caribbean governments, slow and erratic law and policy reform fails to ensure the full realisation of equal sexual rights.

Meanwhile, a vehement heteronormative moral politics is vocalized in the public arena. Political leadership steers a rocky course through the cultural battleground between sexual rights advocacy and the reactionary national discourse assumed to represent the voice of its voting public. While significant progress is evident in the legal recognition and protection of women in non-marital unions and children born out of wedlock, and in sanctions against violence against women and children, all but a few countries have stopped short of decriminalizing abortion, sex work and same-sex intimacy. It seems, too, that as politics has become increasingly preoccupied with pressing economic issues of low growth, mounting debt and currency instability, along with escalating crime, so social justice and human rights have been demoted on the development agenda.

NGO advocacy for equal sexual rights has strengthened, but constantly clashes with religious doctrine. A formidable and increasingly vociferous evangelism, along with conservative civil society organisations, claims the centre-ground as the spokesman for national morality and the protector of 'traditional values' and cultural sovereignty against contamination by Western 'decadence'. Ultimately, it is courageous transformational leadership that will avert righteous derailment of future progress; political will, together with resilient social activism and public opinion enlightened by research and universal sexual rights principles, that will guide the Caribbean to sexual equality and social justice.

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EUrope: The Ups and Downs of Sexual Exceptionalism

David Paternotte

Brussels, 8 October 2014. The Austrian transvestite singer Conchita Wurst, the winner of the 2014 Eurovision Song Contest, gave a concert on Place du Luxembourg, the iconic square in front of the European Parliament. Invited by the Austrian Green MEP Ulrike Lunacek, who co-chairs the European Standing Group on LGBTI rights, she participated in an antidiscrimination event gathering more than 2000 delegates. On a stage covered with European flags, Conchita Wurst emphasized the values of tolerance, equality and diversity. She reminded people that the purpose of the European construction was a means to avoid war and to promote human rights and democracy in Europe and made explicit connections between this project and the defense of LGBT rights. Interestingly, on the poster announcing her performance, she was presented as the “Voice of Europe”.

A few weeks later, Conchita Wurst took part to another event in Brussels, the conference “Tackling Sexual Orientation and Gender Identity Discrimination” organized by the Italian presidency of the European Union. This was the first event on LGBTI rights held at the European Council. Wurst rapidly became a symbol of the struggle for LGBTI equality in Europe and beyond. Her song was turned into a hymn for sexual freedom and she even performed in front of the UN general secretary at the UN offices in Vienna. (Ullbricht, Sircar & Sloomaeckers, 2015; Carniel, 2015; Baker, 2016; Stychin, 2014)

Wurst’s rapid rise occurred at the same time as tensions escalated with Russia in the context of the invasion of Crimea. As noted by numerous scholars, Vladimir Putin uses the opposition to sexual rights, and LGBT rights in particular, as a symbol of his political project, presented as an alternative to Europe and its decadent values and to the West more generally (Ayoub & Paternotte, 2014a, 2016; Altman & Symonds, 2016; Wilkinson, 2014a). Wurst’s victory at the 2014 Eurovision Song Contest was, therefore, logically vilified by Kremlin officials, especially because the Austrian singer won over two Russian sisters. Russian authorities vehemently criticized the competition and threatened their withdrawal in the near future.

The juxtaposition of these two events shows how both Russian and European authorities associate Europe with liberal sexual values and regard the trans singer as a powerful symbol of this political project. This “linkage between ‘Europeaness’ and ‘gay emancipation’”, which “elevates certain forms of gay activist engagement and, perhaps also non-heterosexuality more generally, to a measure of democracy, progress and modernity” (Bilic, 2016, p.2), is used to define two opposed geopolitical blocks.

In this chapter, which builds upon earlier work with Phillip Ayoub and Roman Kuhar, I study how sexual rights became inserted into the European project and examine the specificities of sexual politics in the region. More importantly, I try to identify the promises, tensions and contradictions around sexual rights in contemporary Europe. While the process of European construction has been crucial to the progress of sexual rights in the region, I critically engage with this narrative to reflect on how gender and sexual equalities underpin a certain idea of European sexual exceptionalism. Exceptionalism is understood here as the possession of a feature that gives a unique mission to a state or a polity, and is seen as an anchor to its identity. This exceptionality is instrumental in establishing and consolidating a polity (in this case Europe) that has been increasingly contested in recent years (della Salla, 2016). Jasbir Puar recently applied the notion of exceptionalism to sexuality in the context of the war on Iraq. In her influential book *Terrorist Assemblages: Homonationalism in Queer Times*, in which she focuses on the United States, she claims that “exceptionalism paradoxically signals distinction from (to be unlike, dissimilar) as well as excellence (imminence, superiority), suggesting a departure from yet mastery of linear teleologies of progress” (Puar, 2007, p.3. See also Farris, 2017 for women’s rights). More recently, this notion has been applied to European contexts in studies of sexual nationalisms and the logics of exclusion that derive from specific understandings of sexual citizenship inscribed in national states’ and European institutions’ ideational frameworks (Bracke, 2011; Ammaturo, 2015).

EUrope

Talking about the relation between Europe and sexual rights necessarily implies considering the process of European construction. Initiated in the aftermath of World War II to foster peace and economic reconstruction, the unification was an attempt to establish and to create numerous forms of interconnections between former enemies. Since then, European politics are characterized by complex interactions between regional and national levels. It can no longer be approached as the sum of national politics in different European states, but should be located at the interface between the national and the regional. In other words, if national politics still play a fundamental role, a distinctive regional dimension should also be taken into account. This is the result of

the development of a common European rights framework, as well as of more diffuse forms of transnational and cross-national influences (Paternotte, 2015). Today, the process of European integration is not restricted to politics but increasingly characterizes European societies, implying a dense network of interactions and numerous transnational exchanges (Favell & Guiraudon, 2011).

For many actors and scholars alike, the European project also involves an imagined transcendent dimension, which relies on the association of Europe with specific values, which would be unique to the region and help define its identity. The European project is therefore not only about peace and the reconstruction of a devastated Europe, but embraces cosmopolitanism and liberal values such as tolerance, democracy, solidarity and a defense of pluralism and diversity. As a result, Europe can also be portrayed as a normative entity. This is exactly what the British political scientist Ian Manners has tried to grasp in his study of the influence of the EU in world politics through the expression “normative power Europe” (2002). Interestingly, this power extends beyond Europe’s actual borders and fuels the external action of both the EU and some of its member states. It plays a key part in the image Europe is trying to build of itself, both internally and externally (Malmedie, 2016).

As illustrated by the example of Conchita Wurst, these two dimensions are crucial when it comes to sexual rights. The normative dimension of Europe serves as the foundation of its association to gender equality and LGBT rights (Ayoub & Paternotte, 2014, see also Ayoub & Paternotte forthcoming for a critical discussion) at the same time it encapsulates Europe into a single entity that is precisely defined by this normative projection. The belonging to a political space that guarantees specific rights and duties has also been a major vehicle for the recognition of gender and sexual equality across the region, including in more reluctant countries (Abels & Mushaben, 2012; Lombardo & Forest, 2012; Petö & Manners, 2006; O’ Dwyer, 2012; Begeer, 2004; Stychin, 2001; Slootmaekers & Touquet, 2016). As shown in many studies, activists have used the European frame to push their claims forward, while forms of policy harmonization also developed across the region (Ayoub, 2016).

In this chapter, I use the concept of EUrope to address this double dimension – regional and normative – and to distinguish it from a geographical or institutional understanding of Europe. EUrope as an entity is not determined by its geography or institutions, rather it designates a normative entity that relies upon a certain idea of Europe. It cannot be reduced to either European states or European institutions, but articulates both the national and the regional levels through specific values embraced as typically European in the frame of a project of identity construction. Because of this transcendent normative dimension, the boundaries of EUrope do not necessarily coincide with geographical or institutional boundaries and shift over time. EUrope is indeed not restricted to

the European Union, but also includes the states belonging to the Council of Europe (CoE)²⁴, which is often regarded as the guardian of European values, to the extent they adhere to this normative project. Furthermore, this normative project has been a key inspiration for activists, who have contributed to push the boundaries of Europe further East. As noted by Ayoub and Paternotte, they attempted “to bypass national borders by imagining and building a new community” which would be more sympathetic to sexual rights, while “constantly displaced regional borders further East, expanding Europe and reinforcing its definition as a set of values linked to universal human rights” (Ayoub & Paternotte, 2014b). Finally, because of its normative dimension, this project can be shared and promoted beyond the physical limits of Europe. European states and institutions are instrumental in exporting this model (among others as major aid donors), but it can also be seized or invoked by people on the ground in other regions. This is illustrated, for instance, by Cai Wilkinson’s 2014 research on Kyrgyzstan, where this idea of Europe is also used by activists to push their claims forward and strengthen their activism.

Building a liberal space

Europe is often regarded - and likes to be portrayed - as one of the most liberal places in the world regarding gender and sexuality. Gender equality has been consecrated as a founding principle of the European Union, as proclaimed by article 2 of the Lisbon Treaty, which states that *“the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail”*. A wide legal arsenal has been adopted both at national and European level to ensure gender equality and, although regional disparities should not be overlooked, most indicators also place the region high on the global scales of gender equality.

Similarly, LGBT people enjoy comparatively high levels of tolerance and a vibrant LGBTQ community life characterizes many parts of the continent. In what concerns legal frames, same-sex relations have been decriminalized throughout the region and most countries offer generous antidiscrimination provisions. Many states, including several East-European ones, have acknowledged same-sex partnerships and thirteen of them (which is the highest rate across regions) recognize same sex marriage (Paternotte & Kollman, 2013).

24 The Council of Europe encompasses 47 countries in Europe, including Russia and Turkey. It is composed of three institutions: the parliamentary assembly (made of national MPs), the European Court of Human Rights and the Human Rights Commissioner.

This scenario is, to a large extent, the result of the work performed by activists who invested in transforming this normative project into reality on the ground (Hubert, 1998; Ayoub & Paternotte, 2014a). Invoking Europe in activist campaigns was a strategic move to bypass national obstacles and a form of venue shopping²⁵, but it also encompassed a normative ideal about what Europe should be. From the start, activists believed in European specificity in terms of values and considered that European institutions, along with the United Nations, could be used to build a more generous regional rights regime and to increase pressure on reluctant states within the region. They also understood the promises of a transnational legal and policy framework in fostering rights recognition in the whole region. Partly through transnational activism, they turned Europe into a vehicle for obtaining new rights at home and to press for domestic change, contributing further to the project of European construction from the ground (Ayoub & Paternotte, 2014b).

Two early examples illustrate the scope of this vision. In 1976, the Belgian law professor Eliane Vogel-Polsky won the landmark case *Defrenne* at the European Court of Justice. By using the article 119 of the 1957 Treaty of Rome, which guarantees equal pay between men and women, she established the foundations of the EU gender policy. Although this article had been introduced to avoid unfair competition on the labor market between France and the other founding Member States, she assumed that Europe could do more for women and claimed this article should be more generously interpreted (Gubin & Jacques, 2007). Similarly, through his victory against the United Kingdom at the European Court of Human Rights (ECtHR) in 1981, the Northern Irish gay activist Jeff Dudgeon proved that the European project was crucial to LGBT struggles. This decision, which led to the decriminalization of same-sex intercourse in Northern Ireland, paved for the way for similar cases against the Republic of Ireland and Cyprus, and set the stage for the development of European policy promoting equality for LGBTI people.

These dynamics were further consolidated when a large number of European states and European institutions started to build ambitious equality policies, first about gender and later on LGBTI issues. While some states have played a pioneering role, the influence of European institutions should not be underestimated. The process of European integration has functioned as a major factor of policy harmonization and social learning across the region, while creating a more favorable political opportunity structure. This is illustrated by issues as diverse as women's political representation (Lépinard, 2007); sexual harassment (Zippel, 2006); equalization of the age of

25 Meaning that activists select the more favorable venue to push their claims forward, and may develop strategies articulating different venues over time and/or issue.

consent between same-sex and different-sex relations (Waites, 2005); and the decriminalization of same-sex relations or antidiscrimination legislation (Bell, 2002).

“A la carte” liberalism

While Europe praises its liberalism and is willing to export it outside its borders, critical scholars have highlighted some of the limits of European sexual liberalism, questioning the normative content of this project and the modes of inclusion proposed for queer subjects in Europe. Three of these limits or biases are discussed in this chapter: the selective endorsement of sexual rights, the increasing opposition to sexual rights in the region and the ways in which the European sexual rights vision contributes to the othering of specific populations both within and outside Europe.

Some scholars have pointed out that the European project relies on selective endorsement of a limited set of sexual rights, not the overall erasure of sex from the realm of European citizenship. This is illustrated by the fact that the most controversial issues, such as abortion, prostitution or same-sex marriage, have often been left to the exclusive competence of member states and, if the Council of Europe or the European Parliament has issued normative recommendations on these issues, most of their decisions are not binding. This is the case of abortion, which remains to a large extent criminalized in Malta, Poland and Ireland. Access to abortion has been restricted in Central and Eastern Europe after the fall of Socialism, while the right to conscientious objection – on the rise in a country such as Italy – has become a major hindrance in several Western European countries (Heinen, 2014). Finally, anti-abortion movements have resurrected across the region and are particularly active in struggles triggered by anti-gender campaigns currently underway almost everywhere (Avanza, 2015) and several governments in the region are today trying to restrict access to abortion, most notably Spain, Hungary and Poland.

Policy debates on prostitution are further biased: the issue is seen as pertaining exclusively to national competences and important disparities remain at national level. European states have chosen to have distinct and complex policies (Crowhurst, Outshoorn & Skilbrei, 2012) Interestingly, trafficking is regarded as a EU issue, which allows some actors to try to Europeanize policy debates on prostitution. Abolitionism is currently on the rise at both national and EU level, as shown by the French decision to adopt the Swedish model and recent debates in favor of abolition at the European parliament. These discussions were led by left-wing MEPs such as Mary Honeyball, in close collaboration with the European Women’s Lobby, the umbrella of women’s

organizations in Europe.²⁶

Same-sex marriage and civil partnerships equally fall outside EU legislation, with important disparities across the region. Since Italy has adopted a civil partnership law, most West European states (and a few East European states (Slovenia, Czech Republic, Hungary, Croatia) offer a legal status to same-sex couples. Their legal content, however, varies considerably. Furthermore, access to generous partnership laws is generally restricted to same-sex couples, while other countries preferred to create another legal institution that falls between civil marriage and celibacy, which is available to both same-sex and different sex couples but generally include a limited set of rights. Some countries have also introduced explicit marriage bans, such as Armenia, Croatia, Hungary, Macedonia or Slovakia.

These examples invite us to wonder about the actual content of the European project in relation to gender and sexuality democracy and rights. Indeed, the types of gender equality and sexual citizenship pursued at European level largely avoid entering into critical sexual matters, and the European sexual citizen paradoxically appears as desexualized. This is quite obvious in relation to gender equality, where progress was mostly made in areas not explicitly dealing with sexuality and often not in the sense of a positive approach towards sexuality. Similarly, the defense of LGBTI rights has usually taken an identity path aiming at the recognition of a specific identity and its protection from discrimination rather than at the promotion of the freedoms to be who you want (with a proliferation of sexual identities) and to do what you want. Sexuality is often confined to identity, which is a rather limited Eurocentric understanding of sex, and does not engage with the plurality of gender expressions and sexual practices. This bias is even more striking when compared to UN debates where the early politicization of both reproductive rights and HIV/AIDS – before the recognition of women’s and LGBT rights as human rights - forced governments and NGOs to open a wider discussion on sexuality (Corrêa, Petchesky & Parker, 2015; Paternotte & Seckinelgin, 2015; Petchesky, 2003; Swiebel, 2009).

Other scholars have investigated the relation between the European project and specific forms of activism, as well as their consequences on the forms of gender and sexual equality sought and achieved in Europe. As

26 As illustrated, for instance, by the 2007 Report on Prostitution of the Parliamentary Assembly of the Council of Europe (Doc 11352 Retrieved from <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=17590>, and the 2014 *Report on sexual exploitation and prostitution and its impact on gender equality*, at the European Parliament (2013/2103(INI) retrieved from <https://timeforequality.org/news/sexual-exploitation-and-prostitution-and-its-impact-on-gender-equality/>

indicated by most scholars of EU gender and sexuality activism, NGOs are the most common form of involvement of civil society actors at European level (Lang, 2013; Paternotte, 2016). This arena is indeed characterized by a preference for conventional (elite lobbying, information politics, etc.) over unconventional strategies (protest, mass demonstrations, etc.). While more contentious forms of activism obviously exist in Europe, the European project predominantly relies on NGOs with the required expertise, which is strongly encouraged by a clear institutional and sometimes a financial support. This is particularly true in the field of sexual rights. NGOs have also become the most current form of organization around sexual rights at national level.

Scholars have pondered on the effects of NGOization on activism and the development of civil society (Bernal & Grewal, 2014; Choudry & Kapoor, 2013; Lang, 2013). It must be said, however, that most of this research discusses the situation outside Europe (Meier & Paternotte, 2017), and addresses feminism more often than LGBT rights (for an exception Davidson, 2015). Some of these studies show that in contexts where heavy international support exists, NGOization can de-structure national civil societies by empowering some actors over others and creating hierarchies between organizations. This appears clearly in Agnès Chetaille's ethnographic study of LGBT activism in Poland (2011, 2016), where the predominance of KPH, the biggest and best internationally connected Polish LGBT NGO over older organizations is glaring. It also renders national organizations over-dependent on external resources and locks them into short-term projects, following a traditional pattern of neoliberal organizing and management that often leads to weakening their ties with the grassroots (Bilic, 2016). Their legitimacy can be further undermined when these NGOs are perceived as (almost) foreign actors. Reversely, the sudden withdrawal of international support can lead local NGOs to collapse if they cannot find alternative sources of funding (especially when they are accustomed to a certain level of expenses).

Scholars have also questioned the impact of NGOization on claim making, arguing that some claims would be systematically downplayed or rejected because they sound too radical or disruptive. NGOs would avoid controversial topics because they are not likely to be obtained, or because they could endanger often precarious funding and jeopardize advocacy on other issues. For example, Nicole Butterfield argue in her work on the Croatian LGBT movement that *“although professionalized activism has provided some activists with the resources and legitimacy for engaging in lobbying and advocacy, it may have also limited the space for the possible emergence of alternative strategies within these organizations and the visibility of grassroots activism in the public sphere”* (2016, p.56)

Finally, by examining sexual politics in Southern and Eastern Europe, scholars have interrogated the underpinnings of the model of inclusion that was offered to these peripheral subjects. Indeed, the project offered to them relied on values and experiences consolidated in the North-West of Europe and activists from other parts of the continent were compelled to catch up with these “European standards”. This frame paradoxically re-enacts the binary juxtaposition of “East” versus “West” or “South” versus “North” in contemporary discourses on sexuality, and confirms the subaltern nature of peripheries (Chetaille, 2013; Kulpa & Mizielińska, 2011; Colpani & Habed, 2014). Robert Kulpa and Joanna Mizielińska (2011, p.16) argue, for instance, that this model locates Central and Eastern Europe in a spatio-temporal impossibility. The politics of time that CEE countries are expected to fulfill do not correspond to their own trajectories regarding sexual rights, and these trajectories turn them into “‘European enough’ (geographically) ‘not yet enough advanced’ to become fully ‘Western’ (temporally)” (p.18). It also locks them out in a different and separate space that remains at the margins of the European project.

Similarly, Sandra Ponzanesi and Gianmaria Colpani argue that “Part and parcel of this conjuncture is the construction of Europe as “the avatar of both freedom and modernity” (Butler, 2008, p.2), which, however, is not only meant to strengthen the walls of the European fortress against non-European others and to support European involvement in US imperialist wars in the Middle East, but is also a particular function of the center-periphery divide *within* Europe. Europe is then configured as an actor capable of bestowing sexual progress, not only on distant others, but also on its own “backward” peripheries— both eastern (see Kulpa & Mizielińska, 2011; Kahlina, 2015) and southern (see Colpani & Habed, 2014)—not necessarily contributing, in the process, to substantial sexual “progress” in such “not-yet fully European” locations” (2016, p.14).

Increasing opposition

If this gender and sexuality equality project is presented as intrinsically European, it has never been unanimously backed by all European citizens, but rather has always faced internal opposition. Furthermore, numerous observers fear that the opposition to sexual rights could be on the rise in recent years. This is a crucial point to bear in mind, especially when external critiques of the European sexual project, such as the one coming from Russia, could make us fall into a simplistic binary account of sexual politics which would oppose ‘us’, the supposedly enlightened Europe, to an often undefined ‘them’.

Against the fallacious idea of a united European ‘we’, European scholars are increasingly studying opposition internal to Europe (Hark & Villa, 2015; Köttig, Bitzan & Petö, 2017; Verloo, 2017). This attention was often

provoked by major campaigns such as the French *Manif pour Tous*, which came as a surprise to most observers. Against the sometimes modernistic and teleological idea that Europe was on an unstoppable way toward sexual citizenship, it made many actors fear a potential backlash, urging them to understand what was at stake. Scholars often assumed that these forms of opposition were largely foreign to the European experience (unlike in the United States) and that they were mere remnants of the past, especially in Central and Eastern and in Southern Europe.

Two forms of opposition that sometimes intersect have been identified. The first one can be described as nationalistic and populist and implies a call for stronger sovereign states that can resist an ever-expanding Europe. It takes different forms, from national oppositions to the EU to popular expressions of discontent, as it happened recently with Brexit. This is also the case of sexual rights, particularly, as previously noted, in regard to abortion, prostitution or same-sex marriage. These are indeed three classic issues in relation to which member states have resisted further Europeanization. States have taken that direction either because they fear that some rights available at national level would be threatened by European integration or because they fear to be forced to allow acts and behaviors they do not see as morally acceptable in their own country or suitable in their national culture. This suggests the absence of a European consensus on sexual matters, as shown by the diversity of national policies towards prostitution in Europe. It also reflects the adherence to the principle of subsidiarity against a European superpower, as happened with the blockage of the so-called horizontal anti-discrimination directive, which would have forbidden discrimination on a large number of grounds in all EU competences, and addressed some major gaps in the 2000 anti-discrimination directive, which applies only to employment. A few member states, led by Germany, have however been blocking this proposal from the European Commission since 2008, refusing any extension of the EU mandate in that area.

Popular reactions against the European gender and sexuality project also intersect with the current populist wave in Europe and pertain to the wider political attack against the 'elites'. In the populist mindset, sexual rights would have been imposed on citizens by manipulative elites, who also use international institutions to promote their agenda, for instance through gender mainstreaming. Especially in former socialist countries (but not only), opponents claim they are fighting a new totalitarian project. In this context, Europe appears as an elitist project that runs against common sense and affects the interests of average citizens without consulting them. It also threatens national interests and emasculates nations by forcing them to enter into an abstract bureaucratic project. No less importantly, European norms allow minorities to use political correctness as a strategy to impose their will on the majorities. Such populist opposition may take the form of what could be

called a form of gender fatigue and may include a critique of sexual freedom and sexual liberation, especially in relation to children's issues (e.g. Kuhar & Paternotte, 2017)

The second form of opposition is connected to a revival of conservative politics and is often intertwined with religious mobilizations. While Islam is often portrayed in public discourses as the major threat to women and sexual minorities in Europe, this opposition in fact comes mostly from Christianity, and more specifically from the Catholic Church. This movement combats a wide range of issues, from gender violence to sex education and same-sex marriage, under the umbrella of the so-called "gender ideology" (Paternotte, 2015b; Kuhar & Paternotte, 2017). Once invented in the Vatican to both understand and counter the recognition of sexual and reproductive rights at the UN conferences of Cairo and Beijing, this expression has become a rallying cry for thousands of activists across Europe. It lumps gender scholars, feminists and LGBTI activists on the bandwagon defined by this terminology and claims that these actors work together to overthrow the natural order of mankind. Inspiring massive mobilizations in countries as diverse as France, Spain, Italy, Croatia, Slovenia, Poland or Slovakia, it draws another geography of Europe, which largely opposes the North to the South of the continent and extends its ties towards Russia through an awkward alliance between the Vatican and the Kremlin.

Europe and its outcasts

Although Europe was designed as an open and cosmopolitan polity, scholars have recently underlined the exclusionary potential of this political imagination. Indeed, if sexual rights policies are often celebrated as major achievements in the process of European integration, they have also become markers of Europeanness in recent years, first at national level and more recently at regional level. As pinpointed by an increasing number of scholars, gender and sexual rights are indeed increasingly used to define what it means to be European and have sometimes become a source of national and/or European pride. This first happened in a few European states like the Netherlands, France or the UK, where the defense of sexual rights has been used as a tenet of state nationalism (Puar, 2007; Fassin, 2010; Jaunait, Le Renard & Marteu, 2013). However, according to Francesca Romana Ammaturo (2015. See also Ammaturo, 2017), a similar phenomenon can now be discerned at regional level given that *"the insistence on a European standard of respect for the rights of LGBT persons is, in fact, perfectly functional to the strengthening of a model of European citizenship grounded in the liberal concept of 'tolerance' as a cultural and political marker of civilization as opposed to a specific conception of backwardness in the context of human rights protection"* (p.1152). This would lead to "the creation of moral hierarchies between insiders and outsiders" (p.1161).

EUrope was often presented as a way to overcome the hassles of violent state nationalisms by forging a common identity and promoting a cosmopolitan project. However, by claiming the Europeanness of these values, activists and institutions have been using strategies that are reminiscent of those used by nation states to foster a sense of belonging. As early as 1998, Carl Stychin claimed, in relation to the recognition of sexual rights, that *“Europe as a political identity produces its own national discourse through which it differentiates itself from “other” nations (both within and outside the geography of Europe)”* (1998, p.115). Scholars have consequently raised questions such as who qualifies as European and where is Europe, that is who and what counts as European. They have also pondered about whether this is constitutive of the idea of Europe itself because it necessarily implies the definition of boundaries between how one belongs or does not belong to EUrope or whether it happened because they are hijacked by other political projects such as rising populism and new forms of extreme right projects. These authors also paid closer attention to the borders that remain and those which were erected through this process in two different ways: by looking at how EUrope is compared to other parts of the world and by tracking what and who is regarded as non European.

Since Tocqueville, the United States have been used as a mirror to measure the progress of European civilization and this has also happened in relation to late 20th century European integration. It is not surprising that, from Victor Hugo onwards, the European project has often been presented as the creation of the United States of Europe: it is sufficiently close but different enough to allow a comparison on relatively equal terms. In recent times, Europeans have generally thought of their model as superior in terms of gender and sexual equality. As underlined by historian Leila Rupp, contacts between European homophile activists and those of the US were not exempted from a certain sense of superiority on European side (2014). In the same vein, US political scientist Angelia Wilson wrote a whole book to explain, as claimed in her title, *Why Europe Is Lesbian and Gay Friendly (and Why America Never Will Be)*, examining the political economy of care in the two contexts and the impact of different religious legacies. Finally, until recently, most scholars deemed that the Christian Right was typically a US phenomenon (Kuhar & Paternotte, 2017).

As shown by an extensive scholarship, colonies and peripheries are another crucial point of comparison in European history. In this case, the terms of comparison are significantly more unequal and intersect in crucial ways with racial dynamics. As argued by Rudi Bleys, “the intersecting rhetoric of racialist and sexual discourse were embedded in European civilization, ideology and scientific innovation at the same time” (1996, p.11; see also Aldrich, 2008; Stoler, 2002).

Exclusion, however, does not only result from comparisons with other parts of the world, but may be a direct consequence of specific definitions of what it means to be European. While scholars have insisted on the redefinition of state nationalism to include women's rights or sexual minorities (Puar, 2007) or have insisted on the exclusionary effects of a culturalization of citizenship (Mepschen, Duyvendak & Tonkens, 2010), it is important to understand that the founding values of Europe may also generate forms of exclusion. Indeed, the notion of Europeaness often intersects with a longstanding idea of civilization, which implies that some individuals, groups and cultures are less civilized by locating them below European standards. The lack of acceptance of sexual rights or the criticisms raised by some groups or individuals is often interpreted as a sign that those who express these views are not European enough (if they belong to Europe) or not European at all (if they are located outside Europe and/or want to join). This critique can also be used as a marker to show that some individuals or groups of people are drifting away from Europe. As in the cases of Poland (Chetaille, 2013), Turkey or Russia, this is especially true on the peripheries of Europe. In the same vein, Spaniards may use the example of gender violence and the macho culture more widely to prove they still need to catch up with Europe. This association between Europeaness and a certain idea of civilization delineates the outer borders to Europe while reinforcing some internal boundaries.

In recent years, this has often intersected with populist and far right attempts to target Islam, presented as the main threat to sexual rights both inside and outside Europe. Building on a long tradition in European history, it conflates European and national (ist) values and regards Muslims as intrinsically foreign to them, constructing them as 'barbarians' or 'absolute others' (El Tayeb, 2011; Petzen, 2012; Rahman, 2014; Rexhepi, 2016). Often, it also posits that Europe should simultaneously protect Muslim women and LGBTI people from Muslim men, resuscitating the idea of a civilizing mission assigned to European states (Bracke, 2013; Rao, 2015).

Conclusion

In this chapter, I have examined the inclusion of sexual rights in the European project, described as Europe. I have insisted on the regional dimension of sexual politics in the region and showed how this association is justified in the name of specific values underpinning the European project. These values, such as tolerance, equality and diversity, would allegedly help define Europe's uniqueness in the world and turn it into a unique polity, which would welcome sexual rights more favorably. As such, this has been a powerful vehicle for the progress of gender and sexual equality in the region.

This association, however, remains fragile and is increasingly contested. It is seemingly not as solid or deeply grounded in the European project as some activists and policy-makers might have thought or defended. Furthermore, increasingly diverse voices raise criticisms against this enterprise. From within and outside of Europe, this project and its association to sexual rights has been attacked on the grounds of religion, national sovereignty, majority will, cultural authenticity, etc. As a result, this association, which once seemed intrinsically intertwined with the European project, might suddenly appear as merely historical or contingent.

Finally, while emphasizing the importance of the European experience, it is crucial to challenge this grand narrative by investigating its limits and revealing its exclusionary potential. Postcolonial and critical scholars have indeed highlighted that this normative project also operates as a powerful means of hierarchization and exclusion. It relies on an idea of sexual exceptionalism that isolates Europe from the rest of the world and creates different sorts of internal and external 'Others' while reiterating well-known colonial and neo-colonial tropes. Therefore, as argued by Ponzanesi and Colpani, *"engaging with "postcolonial Europe" today demands that we find ways to open it up once again, rearticulating Europe otherwise (...), this turning this particular province of the world into an object of political, transformative desire for those who happen to inhabit it, or just want to pass through"* (2016, p.7).

All this invites us to engage in a wider reflection on the supposed exceptionalism of Europe, particularly in terms of sexual rights. Indeed, at a time when the European project is facing increasing opposition, one can raise doubts about the alleged Europeanness of these achievements, and wonder how deep this project is engrained in the European experience. One can also challenge the idea of European exceptionalism and wonder whether this account does not excessively isolate Europe from the rest of the world and problematically claims ownership on values which are shared beyond the borders of Europe (Chakrabarty, 2007). In brief, to what extent is the defense of sexual rights an exception anchored in the normative dimension of European integration? Is Europe such an exceptional place in terms of gender and sexuality and what are the foundations and the conditions underlying such exceptionality? To what extent is this idea of exceptionality related to a sort of European provincialism and to a pretention to universalism and expansionism? Eventually, what is the future of sexual rights at a time Europe has lost most of its appeal for citizens and the European project itself is in peril?

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Sexuality in Latin America: Politics at a Crossroad

*Gloria Careaga, Mário Pecheny and Sonia Corrêa**

Introduction

Latin America, encompassing Central America, South America and three Caribbean countries is the most unequal region in the world in terms of income distribution. Its population is multi ethnic and its history has been one of a long, violent colonization process including three centuries of slave trafficking, exploitation and sequential migratory flows. As a result of Iberian colonialism, most of the countries have Spanish and Portuguese as official languages. Spanish is spoken in almost all Latin American countries, with the exception of Portuguese-speaking Brazil. But everywhere -- except Argentina and Uruguay – the language of original peoples is still spoken today.²⁷ Thus, communication across Latin America is less difficult than in other multi-linguistic regions of the global South. Political changes, legal reforms, intellectual discussions and social movements have therefore travelled across the region more easily than in other parts of the world. Despite national and local heterogeneities including indigenous peoples, as Pecheny and de la Dehesa (2014) point out, the Latin American region can be thought of as a socio-political unit. Recent trajectories of sexualities and gender politics are also embedded in a common history of *open veins*, to use the metaphor crafted by the Uruguayan writer Eduardo Galeano (1971).

Sequential cycles of dictatorship and democracy, but also of periods characterized by economic redistribution or else of concentration of wealth, have marked contemporary Latin American political history. In the 1980s many countries in the region experienced transitions from authoritarian rule to political democracy, although the degrees of democratization varied and human rights violations continued to be recorded in all countries. In the 1990s, the region was swept by neoliberal economic adjustment with negative social consequences for the poor and also middle-classes. In the 2000s, a new wave of left-wing governments came to power in many

²⁷ The only three countries speaking other European languages are Belize and Guyana (English), French Guyana (French) and Suriname (Dutch). Just in Brazil, even though the size of the indigenous population is very small (around 800.000 people), more than 300 native languages are spoken.

* A first translation of the article from Spanish to English was performance by Margaret Stewart Minnich.

countries that attempted to implement measures of economic redistribution and social protection. The language of social justice and democratization flourished. However, deeper layers and practices authoritarianism have not disappeared, even in the case of governments aligned to the very left of the political spectrum, such as the case of Correa in Ecuador, Chávez and Maduro in Venezuela, and Ortega in Nicaragua.

After a decade of progressive governments, we now witness once again in several countries the striking overlapping of reactivated neoliberal policies and conservative restorations that, in fact, imply the reemergence of authoritarianism in formal democratic conditions or, to use the term crafted by Victor Orbán: illiberal democracies. The most alarming case is Brazil, where in 2016 a parliamentary coup evicted the president Dilma Rousseff and, in 2018, the extreme right candidate Bolsonaro was elected under conditions in which religious and secular conservatism deeply intertwined with an ultra-liberal economic agenda has politically triumphed.²⁸ We can speak, perhaps, of a “returned of the repressed” or of a sort of conservative revenge rapidly regaining political power across the entire subcontinent.

Advances and setbacks in gender and sexuality politics are part of this changing landscape. However, gains and losses in sexual politics have not always been consistent with what is usually interpreted as advances and setbacks in the wider domains of social justice and economic policies. In some cases, leftist governments sincerely committed to social justice have been hostile to abortion or LGBT rights (in addition to hostility towards diverse ethnic and cultural minorities) and, in contrast, neoliberal or moderate rightwing governments have sometimes enabled or sustained legal reforms and recognition policies.

Despite the direness of the current landscape and the paradoxical conditions of recent past trajectories, the region has, indeed, seen important gains in gender and sexual rights. In the past three decades, several countries and sub-national jurisdictions adopted reproductive health policies, access to HIV treatment, non-discrimination by sex, gender, sexual orientation and gender identity, recognition of same-sex couples and of gender identity for trans people, including de-pathologization. More recently, the rights of intersex people have also entered the policy agenda in various countries.²⁹ But there are less luminous aspects of the regional

28 See Sonia Corrêa's essay *The Brazilian 2018 Election: A perfect catastrophe?*, Retrieved from <https://sxpolitics.org/the-brazilian-2018-election-a-perfect-catastrophe/19233>.

29 See ILGA 2017 Report, Retrieved from https://ilga.org/downloads/2017/ILGA_Homofobia_de_Estado_2017_WEB.pdf

landscape to be also charted, such as the extent and brutality of violence and abuse, entrenched discrimination, the persistence of high rates of unintended teenage pregnancies, the stigmatization of sex work and, especially, the criminalization of abortion.

As noted by Barajas and Corrêa (2018), almost half a century passed between the legalization of abortion in Cuba in 1961 and the Colombian Constitutional Court's decision in 2006 that granted three legal indications for the right to abortion. After that, only two reforms ensuring abortion upon request have taken place: in Mexico's Federal District in 2007 and in Uruguay in 2012 (Correa & Pecheny, 2016). Since then, in August 2017, Chile has partially modified its legislation, overcoming the absolute prohibition on abortion established during the Pinochet dictatorship. Bolivia also expanded the scope of legal exception in 2017, but in early 2018 the whole Penal Code Reform was revoked. Finally, in 2018 in Argentina, a right-leaning administration enabled the debate on abortion legalization and in June, a law granting the right to abortion until the 14th week of pregnancy was approved by the Chamber of Deputies. In August, however, the new law was to be rejected in the Senate by four votes.³⁰

Throughout the region, sexualized and gender-based violence persists and has even increased despite the new laws that have been recently adopted, which might be adequate but are not implemented due to government apathy or complicity.³¹ Reaction to violence has awakened multitudinous experiences of mobilization, such as the movement articulated around the claim "Ni una menos" (Not one woman less), launched in Argentina in 2015.

Concurrently, a number of contemporary sexual and gender rights claims comprise biomedical interventions, such as the prevention and treatment of sexually transmitted infections, reproductive health, abortion, hormone therapies and surgeries for transgender people. Sexual politics is always prone to be captured by medicalization and is highly dependent on accessibility and quality of health systems (Correa & Pecheny, 2016). In sum, many gender and sexual diversity rights claims have not yet been achieved, others have not been fully implemented and, yet more troubling, what has been fully achieved is not irreversible and will be threatened by the conservative restorations underway.

30 This defeat did not mean, however, the end of the debate. Pro-abortion Right parliamentarians and the feminist movement are getting ready for a new round of legislative discussions in 2019.

31 See PAHO, 2014 Violence against Women in Latin America and the Caribbean, Retrieved from www.paho.org/hq/dmdocuments/2014/Violence1.24-WEB-25-febrero-2014.pdf

Of the many topics within the contemporary Latin America gender and sexual politics agenda, we will examine three areas: gender and sexuality based violence; sex work and anti-trafficking policy trends; and abortion rights. We have made these choices because these topics are privileged sites to charter the paradoxes and conceptual challenges of Latin American gender and sexual politics.³² Each of these topics allows for mapping the role of key actors in play, such as political parties, conservative religious forces, social movements, governmental bureaucracies and leadership, academia and market forces as well as transnational trends.

Violence

In Latin America, gender and sexuality based violence cannot be fully grasped if not articulated to the overall conditions of structural violence that have assumed new contours, meanings and effects in recent decades. In this wider landscape, gender and sexuality based violence intersects with the criminalization of poverty, the war on drugs and related narcopolitics. It also connects with the crisis of hegemonic masculinity and intensified illegal flows of people and money through national borders.

Since the 1980s, Latin America has experienced the opening of economic markets and the concomitant weakening of state roles. This shift enabled the expansion of illegal economies and criminality in various zones, mostly related to drug trafficking and money laundering. Parallel economies and armed groups, in combination with increased social inequalities, placed marginalized groups at greater vulnerability and created a favorable ground for the scaling up of violence (Salama, 2008). The voracity of capital for natural resources is also propelling new forms of structural violence, particularly in relation to land control and eviction of indigenous peoples from their territories (Svampa, 2016). Consequently, Latin America social formations, while continuing to be traversed by unresolved patterns of social and economic exclusion, is now also immersed in a deep distrust of public institutions that have not been able to either reduce inequalities or contain the expansion of violence.

32 In Latin American universities, the field of gender and sexual studies has developed unevenly, often without institutional recognition (Careaga, 2002). However, dialogues, re-appropriations (queer/cuir), questions and vernacular productions have flourished that cover a wide range of areas: historical-empirical studies, human rights, structural vulnerability, colonialism, intersectionality, social conflict, international and geopolitical studies, linguistics, philosophy. These academic initiatives have allowed Latin America to interact in the global dynamics of sexual policies and related intellectual developments. But, in recent years, gender and sexual studies in the region have also faced increased attacks on the part of conservative actors.

States have been unable to respond to insecurities and injustices that people experience every day. In many places, territories are controlled by remaining guerrillas (such as in Colombia), paramilitary groups, gangs and other types of organized crime – whose boundaries overlap with police and the military. The ‘war on drugs’, unleashed and constantly revived since the 1980s, is, in particular, a key feature of this conflicted landscape. It has triggered re-militarization and is used as pretext to legitimize state violence, for example in Brazil, Colombia and Mexico. Structural violence imposes old and new social hierarchies over the population, creating situations of risks and exclusion in which gender and sexuality play a central role. In all these countries, violent non-state actors have imposed gender norms on women, attacked and killed sex workers, travestis and trans persons. In some Brazilian slum zones, HIV positive people have been evicted from their homes by both narco and militia war lords. The territories affected by this violence are more than often the same in which religious and conservative forces, in particular Evangelicals, have also proliferated, calling for the reconstitution of family, moral values, and gender and sexuality orders.

Violence against women, the blunt effect of male domination and female subordination, must therefore be read in connection with structural violence and the new forms of social and political violence. In the 2000s, Mexican feminist Marcela Lagarde crafted the term feminicide (*feminicidio*) to describe the impunity and lack of state protection that characterize gender-based violence in Latin America. Feminicide is usually a form of institutional violence aimed at controlling women’s lives. It is a disciplinary and punishment device applied to women who ‘do not behave properly’. Murders of women are generally perpetrated by men who have been in an intimate relationship with the victim. Gender-based violence is favored by the low presence of women in political positions as well as the reduction of social spending in areas such as health and education. In the absence of and/or poor implementation of laws and policies against gender-based violence, feminicides are usually preceded by other forms of violence: physical or verbal abuse; threats of murder with a weapon; forced sexual intercourse; violence related to the use of drugs and alcohol; and psychological pressures (Saccomano, 2017). Violence is thus embedded in women’s bodies that are stripped of humanity, considered territories of possession, as sinning bodies that must be purified through punishment or bodies that become a currency of exchange for a favor or revenge (Snaidas, 2009). Internationally, feminicide was typified as crime in 2013. In Latin America, however, most states have not yet adopted this criminal category (Garita Vilchez, 2012).

According to the report *Global and regional estimates of violence against women*, in Western Europe the prevalence of intimate partner violence is of 19.30 percent, but in Latin America it is much higher: 40.63 percent in the Andean region, 29.51 percent in Central America and 23.68 percent in the Southern Cone (WHO,

2013, p. 47). According to a 2012 report by the *Small Arms Survey*, more than half of the 25 countries with the highest incidence of femicide cases are in Latin American or Caribbean. Femicide impunity rates are also very high, estimated at 77 percent in Honduras and El Salvador.

Different hypotheses explain these high rates of gender based violence. One of them is the persistence of male control over women as an affirmation of dominant masculinities that has assumed new contours as women's participation in public life and levels of autonomy increase. In the past three decades, while greater participation of women in all areas of life has been encouraged, almost no public debates or policies have been implemented to improve the re-construction of domesticities and masculinities, which could, eventually, lead to decreases in male to male and gender based violence.

Since 2015, in Argentina, Uruguay, Mexico and other countries in the region the call for feminist and cisgender and transgender women's groups supporting the "*Ni una menos*" movements became a significant political phenomenon. Hundreds of thousands of women have taken over the streets to claim for the end of violence. The slogan has been re-signified to also address women who die of clandestine abortion, stigmatized sex workers and victims of transvesticides (lethal violence against transgender persons) (Bidaseca et al., 2016).

The motto "No one less" expresses the fear, anger and weariness of women and other persons living in contexts of vulnerability in the face of systematic violence (Pecheny, 2015). "No one less" is also an ethical claim: the violent patriarchal gender and sexual hierarchies must be repudiated in a world that is supposedly guided by principles of equality, freedom, solidarity and social justice. It is ethically unacceptable that women and all persons perceived as feminine are *a priori* susceptible to violence. States that do not protect these persons are directly or indirectly violating human rights. "No one less" is also about political claims calling for the adoption of comprehensive anti-gender based violence laws and public policies.

Hate crimes against lesbian, gay and trans people are also reported at high levels across the region. Brazil, Mexico, Honduras and El Salvador register a large number of assassinations due to homo-lesbo-transphobia. States lack official and consistent documentation of these crimes because no effective mechanisms for the registration and analyses murders have been put in place, despite the demands of civil society organizations and recommendations made by United Nations bodies. Available figures are therefore just the tip of the iceberg. Homo-lesbo-transphobic crimes are also prone to higher levels of impunity. Local reports show that the situation of the LGBT population in Honduras and El Salvador is really alarming, with a large number of murders and

leading activists and non-activists to go into exile. El Salvador, Brazil, Mexico and Colombia, countries that otherwise supported the protection of LGBT rights, especially in international arenas, present alarming rates of lethal violence against this population.

The paradox here is that for decades now, Latin America social movements had a relevant impact on international policy arenas. In contrast, while in almost all countries positive state regulations and interventions have been approved, no sustained policies to guarantee equality and prevent violence have been established. No serious investments have been made to improve cultural transformation of gender perceptions and practices. Public policies often lack financial support and consistent political commitment. Cultural change is seen as the responsibility of non-government organizations that do not always have the necessary resources to sustain these efforts.

Another problematic aspect is that feminists and LGBT activists have, by and large, concentrated their political energy in calling for criminal laws as the main, if not the only, policy instrument to address gender and sexual violence. This strategy is problematic in many ways. While the resort to criminal law as a sort of social pedagogy may have a symbolic effect, it has not effectively contributed to transform the deep cultural structures upon which violence is anchored. It has also contributed to the expansion and intensification of the punitive power of the state in contexts where the levels of securitization and militarization were already very high and incarceration rates have skyrocketed, while prison conditions deteriorated. This policy choice has not considered either the racial and class biases of criminal justice responses. In a context of revived authoritarianism, the feminist and LGBT movements are decidedly challenged to imagine new approaches to gender and sexuality based violence that are not exclusively framed as criminal justice responses.

Commercial Sex

Commercial sex, as part of the informal economy, has expanded worldwide under the conditions of late capitalism (Corrêa, Parker & de La Dehesa, 2014). In most countries of the world commercial sex is considered a crime, whether if the person buys or sells sexual services, or whether these services are provided in specific environments such as bars and brothels. This makes it extremely difficult to address sex work from a rights-based frame. Stigma around prostitution and sex work run wide and deep (Murray, Oliveira & Dutta, 2018).

The status of commercial sex (prostitution, sex work) is one of the most controversial issues in both global and regional feminist debates. Many groups and networks call for the abolition of prostitution, and most of them

are against the criminalization of sex workers. Yet fierce discussions continue about legalizing or not legalizing the activity. Neither regionally nor at country levels do agreements exist in relation to what should be the legal status of sex work, prostitution and the sex industry. Some feminists propose the criminalization of clients of women who have been victims of trafficking, some propose the criminalization of clients of commercial sex more broadly,³³ or to criminalize only those who play a mediating role in commercial sex transactions, such as pimps, intermediaries or those renting spaces for the activity. But there are also feminist voices that consider it necessary that sex work is recognized as labor and that sex workers are granted labor, social and civil rights, such as the right to free association.

The longstanding feminist stigmatization of sex work is based on a vision of sex workers as impotent victims of male sexual dominance. Stigmatization tends to be aggravated when women, even under pressure, refuse to leave the activity. Female sex workers are seen not as women taking autonomous decisions but rather as alienated and fully dominated by others. Stigma affects sex workers' accessibility to health services and the quality of healthcare, and makes police harassment easier (Pecheny, 2014).

Today in most Latin American countries, laws on sex work do not criminalize soliciting but prohibit and punish the 'exploitation of sex work' and leave the space open for state authorities to shift at random between permission and repression (Corrêa & Olivar, 2014). Since the early 2000s due to international pressure and the ratification of the Palermo Protocol, several countries have passed legislation against human trafficking, including trafficking for sexual purposes. These new laws tend to conflate trafficking and sexual exploitation with commercial sex services that are voluntarily offered. As a result, a number of political, judicial and police interventions contributed to re-stigmatize sex work and even violated sex workers rights.

Against the backdrop of this ambivalent legal status, sex workers organizations, such as the Latin American network RedTraSex, have been bravely struggling for the rights of adult women and any other adult to offer sexual services. They consider that adult voluntary sex work is not to be confused with sexual exploitation, sexual abuse and sexual trafficking. Sex workers claim the right not to be discriminated against and to be able to migrate internally and across national borders.

33 In other words, the application of the so-called Swedish model aimed at the 'eradication of prostitution'. (Murray, Oliveira & Dutta, 2018)

At the national level, networks of sex workers (members of RedTrasex) got legal recognition. In Argentina, Peru and Colombia associations of sex workers have been also recognized as labor unions. RedTraSex, today a network recognized by governments and international organizations, has also established dialogues and partnerships with the LGBTI and feminist movements, scholars and journalists, which allowed for a broader alliance in support of sex workers rights.

These efforts, however, are increasingly hampered by campaigns that deliberately or not conflate trafficking and sexual exploitation of minors with consensual commercial sex, leading to its criminalization. In relation to sex work and prostitution, the confusion of terms, data, situations, ages and practices is only comparable to the irrationality that has characterized the war on drugs. The implementation of anti-trafficking measures has often been accompanied by an eruption of media coverage and attacks on sex workers and their organizations. Conditions of hostility and stigmatization favor corruption and extortion, making the activity even more clandestine and risky.

Organizations and networks of sex workers, together with many Latin American feminists, systematically point up the growing confusion between voluntary sex work, exploitation of prostitution, sexual exploitation of minors and trafficking in persons (Varela, 2008-2011). They address sex work through a lens that articulates the liberal argument of bodily autonomy (as in the case of abortion) and a critical analysis of the job market and labor conditions in the sex industry.

Some of these feminist voices have correctly characterized the current debate on prostitution as a new form of sexual panic. The discourses on trafficking, in its media and political interpretation, equates sexual commerce and violence against women, through stereotypes of 'victims' and 'victimizers' that blur the realities of social and labor relations related to selling sex. This view conceals, for example, that under prevailing economic conditions -- characterized by recurrent patterns of pauperization and restricted access to the labor market -- many women resort to sex work as source of regular or extra income. Today, selling sex is not an activity confined to red light districts or other forms of professional prostitution.

As Varela (2013) points out, this dominant narrative crystalizes a moral scene in which malevolent male victimizers exploit innocent and defenseless victims: cis women and girls, and more rarely transgender women. Since the terms of the relationships are portrayed in terms of victimizers and victims, criminal law becomes the dominant language to frame the issue of commercial sex/sex work/prostitution, and obliterate other modes

of understanding the experiences of autonomy and coercion/ oppression, empowerment and inequalities that coexist in all forms of labor including sex work. This vision is based on a victimizing notion of citizenship - those who have or may have rights are victims, not subjects or citizens - which is convergent with neoliberal governmentality.

In 2015, Amnesty International published new policy guidelines to support sex workers rights. This publication triggered a major anti-prostitution reaction.³⁴ In 2016, it published a research report on the violation of sex workers rights in five countries, including Argentina³⁵, arguing that protecting sex workers' rights is a meaningful goal but also an effective way to combat sex trafficking. A merit of this report is that voices of sex workers that are usually absent in these debates have been heard. As compellingly expressed Georgina Orellano, the director of AMMAR in Argentina:

“One thinks: for how long will this go on? When will the day arrive in which we the Whores (Putas) will be calmly in our territories, having rights and enjoying our lives. Sex work is work and, as Whores, we need rights.” (October 27, 2018)

Abortion rights

In most parts of Latin America abortion is criminalized, with few exceptions: in Colombia, a 2006 Constitutional Court decision enlarged the grounds allowing for abortion; in Mexico City, abortion upon request is legal since 2007; and in Uruguay, in 2012, the Congress approved abortion reform. In 2012, Argentina's Supreme Court ratified that abortion is legal in the cases of rape and risk to life and health (physical and mental). Also in 2012, a ruling of Brazil's Federal Supreme Court granted the right to abortion in the case of anencephaly. In 2017, Chile approved a legal reform that authorizes abortion in the cases of rape, serious fetal anomaly and risk to life. In that same year, Bolivia extended the indications to allow interrupting a pregnancy to rape, risk to life and to physical or mental health, incest, fetal anomaly and socioeconomic causes, such as when the woman has elderly people and children under her responsibility or if she is a student, adolescent or minor. This law

34 See <https://sxpolitics.org/spw-compilation-of-statement-letters-and-articles-on-amnesty-internationals-proposal-for-decriminalization-of-sex-work/13206>

35 See <https://www.amnesty.org/en/latest/news/2016/05/amnesty-international-publishes-policy-and-research-on-protection-of-sex-workers-rights/>

was, however, struck down in 2018 when president Morales vetoed the entire Penal Code reform for reasons unrelated with abortion. In 2018, Argentina initiated a process of legal reform based on broad feminist social mobilizations. The project included women and transgender men's rights. After passionate public debates, the legal reform was approved by the Chamber of Deputies in June, but was defeated in the Senate two months later. Abortion is still on the political agenda.³⁶

Across the region, abortion has been historically considered a crime, regardless of the political color of governments in power. Abortion has remained clandestine and illegal in countries where the state is strongly influenced by the Catholic Church or other religious institutions, where right-wing leaders have governed for long time, but also in contexts where the left parties were in power for long periods, as in Venezuela and Nicaragua, and in countries such as Argentina where LGBT rights advanced significantly.

Denial of abortion rights can be read as the cornerstone of gender based inequality that characterizes heteronormativity – a striking evidence that states do not fully recognize women as capable political subjects. Criminalization of abortion shows how biological reproduction remains at the core of dominant concepts about gender and sexuality. For women, the exercise of sexuality has a cost and this cost is reproduction; and when women do not accept it unconditionally, punishment will ensue through discrimination, shaming, imprisonment or injury, even to life itself. Illegality is what makes abortions unsafe.

The hostility of religious forces only partially explains this *status quo*. Progressive political parties and leaders have never seriously considered the issue of abortion or have easily bartered abortion rights for other issues they considered of higher priority. In Nicaragua, Daniel Ortega negotiated with the church the total prohibition of abortion in the reform of the Criminal Code in 2006 as part of an agreement that guaranteed his reelection (Correa et al, 2008). Complicated political games have also occurred in Uruguay, where President Tabaré Vázquez, from the Left coalition Frente Amplio, vetoed a first proposal to legalize abortion in 2008. Four years elapsed before the law was approved in 2012 during José Mujica's administration. But last minute political negotiations made the final version limited in various aspects: the law added a requisite waiting period as well as the premise of both individual and institutional conscientious objection, while abortions performed outside the health system under the conditions provided by the law are still a crime (Corrêa & Pecheny, 2016).

36 Retrieved from www.nytimes.com/2018/08/09/world/americas/argentina-abortion-laws-south-america.html

In Argentina, during the center-left Kirchners' administrations, while equal marriage and gender identity were approved (in 2010 and 2012), abortion remained subject to systematic political obstruction. In contrast, in 2018, the right-wing government of Mauricio Macri encouraged parliamentary discussion on the issue. The ways in which the administration in Ecuador and the two presidential mandates of the Worker's Party in Brazil have dealt with abortion rights also informs the situation that progressive forces, when it comes to abortion, can be very conservative. The good news is that in 2017, partial legal reforms took place in Chile and Bolivia, countries governed by the Left at the time. This is undoubtedly a positive signal, especially the audacious gesture of Michelle Bachelet in her second term to propose a bill³⁷ that left the absolute prohibition of abortion established under Pinochet's dictatorship in the past. However, the rightward shift underway may imply that this transformation of leftwing views on abortion may have come too late.

In recent years, feminist organizations and networks, in addition to steadily fighting for abortion legal reform, have also begun providing information and access to abortion pills through phone hotlines, pre- and post-abortion counseling as well as other persons who support women who resort to self-managed abortions. Those involved in these initiatives, mainly known as *Socorristas*, share the strong commitment to women's autonomy, not only in terms of their personal decision to abort but also in relation to how to engage with the state. In Argentina, Uruguay and Colombia health providers are also implementing risk and harm reduction strategies to offer information and support to women who will abort illegally, and have also been involved in public demands for abortion rights legal reforms.

It is also worth noting that drastic regressions have also occurred in the region in the past twenty years. In El Salvador, a draconian prohibition of abortion was approved in 1997 that remains in place and is so strictly implemented that even women who experienced miscarriages have been condemned and subject to long term incarceration (up to thirty years). In other three countries abortion is today totally prohibited by laws that have also been approved in this period: Nicaragua (2006), Honduras (1991) and the Dominican Republic (2010). In Mexico, after abortion was made legal in 2007, right to life from conception provisions and abortion restrictive penal code reforms have been adopted in seventeen states.

37 See Law 21030, Retrieved from www.leychile.cl/Navegar?idNorma=1108237.

More recently, in Chile, as soon as the conservative government of Piñera came to power in 2018, the new administration granted extended conscientious objection to institutions even though this right had already been secured by a decision of the Constitutional Court³⁸. New threats are hovering on the horizon. In Guatemala, a conservative Congress has announced a series of regressive reforms that include the total prohibition of abortion. Most worrying yet is what may happen in Brazil after the election of the new far-right government, as since January 2019, the new Minister for Women, Family and Human Rights is a female pastor who has already declared she will make all efforts to ‘eradicate abortion’.

In sum, in the last few decades, across the region the legislative route chosen to achieve legal reforms has been productive in raising the visibility of abortion rights but has not been so effective in terms of concrete outcomes. So far, through this route, only Uruguay and Mexico City have made substantive changes while in Chile changes were partial. Uruguay remains the only exception of legalization of elective abortion up until the 12th week of gestation, achieved via parliamentary means.

Strategic litigation was the other road open in recent years to ensure the right to abortion, as when, in 2006, Colombia substantially broadened grounds to abortion through a Constitutional Court decision. The same can be said of the Argentinean 2012 FAL Case that re-interpreted the Penal Code exceptions to mean abortion rights in the cases of rape and to protect women’s health. Also in Brazil that same year, the Supreme Court granted abortion rights in the case of anencephaly and in March 2017, an action was presented to the Supreme Court that questioned the constitutionality of criminalization of abortion³⁹.

In addition, the adoption of ‘abortion harm reduction’ within health systems has also been a fruitful strategy in some contexts. Public debates promoted by activism and academia that fight abortion stigma and related discrimination have also begun to bear fruit. Finally, thanks to abortion with pills and the work of Socorristas networks, access to illegal but relatively safe abortion has expanded.

Even so, after three decades of democracy abortion laws have not yet been substantively reformed and in many countries, not even properly debated. But there are ‘escape valves’ and much hypocrisy: women who can afford

38 Retrieved from <https://www.latercera.com/nacional/noticia/conoce-resistido-protocolo-objecion-conciencia-la-ley-aborto-3-causales/109752/>.

39 Retrieved from <https://sxpolitics.org/brazilian-supreme-court-public-hearing-on-the-decriminalization-of-abortion/18872>

it have access to relatively safe clandestine abortions, while poor women pay the price with their health, fertility and eventually their lives. The religious and secular discourse that condemns abortion in the name of life has become increasingly strong, while the association of legal abortion with shared positive values (e.g., dignity, autonomy, equality) has not been fully absorbed. The domain of abortion rights has been and will continue to be a major gender and sexuality politics battle ground in the years to come.

Sexual politics and conservative political restorations

As seen in the previous sections, democratization is a key thread weaving through the multiple trends of contemporary sexual politics in Latin America over the past three decades. As also mentioned, the gains of democratization evolved in tandem with the growing hegemony and normalization of neo-liberal economic policies. This overlapping created a plethora of contradictions that in many aspects remained unresolved, even when policies implemented in the 2000s by democratic elected left wing governments have been to some extent successful at improving the living conditions of the poorer sectors of the population, increasing access to social services, health and education and reducing disparities.

In a sharp contrast to the period ranging from the 1980s to the 2010s, Latin America's political landscape has become a kaleidoscope in flux in which one remaining and one newly elected leftwing government - Uruguay and Mexico - coexist with various newly elected rightward leaning administrations. These rightwing governments, with distinctive intensity, are now implementing ultra neo-liberal policies (usually centered on natural resources extractive economies that had expanded in the early 2000s) and strong tenets of social and moral conservatism. These highly regressive scenarios affect the prospects of gender and sexual politics in quite drastic, possibly catastrophic, ways. While it is not possible to examine this rightward tsunami in depth, we cannot avoid addressing it, albeit in broad strokes.

The first aspect to be underlined is that even though Latin American contextual conditions do matter, this rightward shift is not singular to the region but rather must be placed in the wider chain of conservative restorations, right wing populism and authoritarianism that has swept the world in the last five years or so (Corrêa, 2018; Levitsky & Zimlat, 2018; Mude & Kaswaller, 2018). Most of European and North American analyses of these conservative and authoritarian revivals tend to concentrate their attention on political systems and processes and place them under the wide umbrella of 'populisms'. As suggested by Lavinias (2018), however this frame is too narrow to more fully grasp the phenomenon in Latin America, whose history is marked

by highly varied ideological manifestations of populism. It is also worth noting that most of these mainstream analyses do not examine how these trends are deeply intertwined with neoliberalism. Without addressing these dimensions, it is not possible to fully grasp what is happening in Latin America today.

For example, the drastic leverage and gains of right wing forces in the past two years or so cannot be analyzed without reference to socio-economic uncertainty and fear. While democracy consolidated, Latin American developmental capitalism and welfare states have been in crisis. Then as neoliberal policies expanded, great labor instabilities ensued that affected (mostly) male economic participation with inevitable effects on identity constructs. New forms of survival strategies have taken form that involve informal and even illegal activities connected with what we have previously named structural violence, which are immersed in contexts of risk and fear.

Another dimension that cannot be circumvented concerns the past and present politics of religions, which encompasses on the one hand the deeply rooted influences of Catholic colonization on cultures and political formations, and on the other, the cultural and political impacts of the contemporary wave of evangelization that swept the region as democratization unfolded (Freston, 2008). This wave has, amongst other effects, spread around the so-called theology of prosperity that offers means of individual salvation in times of uncertainty and whose substance – do good individually so that god will reward you -- converges with the neoliberal transformation of social subjects underway since the 1980s. Even though the role of Evangelicals has been critical in the enhancement of a flagrant moral conservative climate in many countries, the role played by the Vatican and the Catholic Church – whose conservative restoration began in the late 1970's with drastic effects in the region-- cannot be minimized (Bracke & Patternote, 2016). Having both trends in mind, Latin American conditions, in many ways, mirror the mid 2000s US scenario in which Wendy Brown identified a collusion between neoliberalism, a rationality based on deregulation and amorality, and neo-conservatism, a rationality based on regulation and morality (which appear not to have many affinities) producing political subjects who tend to easily adhere to anti-democratic agendas (Brown, 2006).

In order to more fully capture the contours of neo-conservatism in its Latin American expression, we have also to address the transformations of gender and sexuality orders. Though this may sound a cliché, political shifts underway in Latin America must be read against the backdrop of an ongoing destabilization of patriarchy and heteronormativity. In the past thirty years, the family with distinct roles related to gender and generation has been transformed, as illustrated by increasing rates of women labor participation, lower fertility rates and

increasing numbers of female headed households. These trends have triggered deep sentiments of instability and loss. Male dominance and the subordination of women, absolute paternal power over children, and old norms concerning sexuality and eroticism are no longer taken for granted. Furthermore, the monopoly of reproductive heterosexuality and heterosexual relations as the only possible sources of citizenship recognition and right claims have been contested and redressed. These transformations have destabilized geological layers of social formations, adding to the above-mentioned sentiments of uncertainty and fear. This assemblage fueled demands of 'order' that have been and continued to be deliberately activated by right-wing and conservative religious forces.

These dynamics are not the same everywhere. In some cases – like Brazil, Colombia and Mexico – fear related to continuous patterns of structural violence played a major role in the recent gestation of social and political conservatism. In other cases, it is necessary to also look at the effects of dysfunctional political systems or problematic political alliances between progressive and not so progressive forces to ensure governability. And, specifically in the case of Brazil, the place and role of militarization and military forces cannot be minimized at all.

Despite these variations, the structural patterns sketched above that pervade the regional landscape have enabled -- since 2011 and with greater effect after 2013 -- eruption and propagation of vicious anti-gender crusades across the continent. As described by Corrêa, Patternote and Kuhar (2018):

Spectacular mobilizations have also taken place in Latin America. A first flare was registered in 2011 in Paraguay, when the term 'gender' was contested by the Catholic right during discussions on the national education plan. In 2013, in one of his weekly TV programs, Ecuador's leftist president Rafael Corrêa similarly denounced 'gender ideology' as an instrument aimed at destroying the family. Since 2014, these attacks have intensified, with massive demonstrations in numerous countries, and they decisively impacted the Colombian peace agreement referendum in 2016.⁴⁰ One high point of this trend occurred in November 2017, when American philosopher and gender theorist Judith Butler was viciously attacked in Sao Paulo,⁴¹ Brazil.

40 Retrieved from http://www.scielo.br/scielo.php?script=sci_issuetoc&pid=1984-648720170003&lng=en&nrm=iso

41 Retrieved from sxpolitics.org/judith-butler-in-brazil-a-briefing/17916

This trend would, in fact, intensify and further spread after the 2017 attack on Butler. Immediately afterwards, attacks on gender, in particular gender identity rights were deployed during the Chilean presidential elections. Then in February 2018, in the context of the Costa Rican presidential campaign, Evangelical conservatives mobilized against an Inter-American Court opinion on same sex marriage and gender identity rights and as a result, a pastor was almost elected president (Arguedas, 2018).⁴² Last but not least, as analyzed in the already cited Corrêa essay but also by Oliveira (2018), the demonization and abolition of 'gender ideology' was a central motif of the victorious far-right candidate of the Brazilian electoral campaign.⁴³

In all cases, as also noted by Corrêa, Patternote and Kuhar, these crusades and the political formations they mobilize have a highly heterogeneous composition of religious and secular forces, which on the surface may appear conflictive. No less importantly, in all Latin American episodes listed above, these virulent attacks depict 'gender ideology' as the new cultural face of Marxism, or as an agenda linked to Communism or Castro-Chavismo. As a result - and quite unexpectedly for mainstream political observers who do not pay much attention to gender and sexuality matters - this cacophonous 'gender ideology' collage is now pervading governance speech, acts and policy measures in Latin America, as strikingly manifested in the inaugural statement of the Brazilian elected president on January 1st, 2019.⁴⁴

A number of authors (Case, 2016; Garbagnoli, 2016; Corrêa, 2018) have retraced how this collage was crafted by the Vatican and its partners as a response to feminist gains achieved in relation to gender equality and sexual and reproductive rights at the 1990s United Nations policy debates, long before its propagation started in Europe and Latin America in the early 2010s. But even before this intense deployment began, Latin American researchers were already charting the main patterns of these reactive politics. For example, Vaggione (2014) elaborated on the effects of the politicization of gender and sexuality on the one hand and of religion on the other, reminding us that this novelty means a rupture with classical liberal tenets that confine all these dimensions to the private sphere. He also noted that under these new conditions, principles and practices of *laïcité* and secularization had to be re-invented. In a more recent article (Vaggione, 2017), he scrutinizes the strategies

42 See Gender Ideology, religious fundamentalism and the electoral campaign (2017-2018) in Costa Rica, Retrieved from <http://blogs.lse.ac.uk/gender/2018/11/07/gender-ideology-religious-fundamentalism-and-the-electoral-campaign-2017-2018-in-costa-rica/>

43 See Who are Jair Bolsonaro's voters and what they believe, Retrieved from sxpolitics.org/who-are-jair-bolsonaros-voters-and-what-they-believe/19224

44 See The Guardian article Bolsonaro declares Brazil's 'liberation from socialism' as he is sworn in, Retrieved from <https://www.theguardian.com/world/2019/jan/01/jair-bolsonaro-inauguration-brazil-president>

designed and deployed by Vatican in the past ten years or so to mobilize claims of religious citizenship to defend and promote regressive cultural and moral agendas in electoral politics and policy practice. Another author who has elaborated on the reactive features of anti- gender politics is Fernando Serrano in his remarkable article on how the attack on ‘gender ideology’ derailed the Colombian peace agreement (Serrano Amaya, 2017). In his view, anti-gender politics are not just reactive, but are also productive: they have long-term objectives, are intensively pro-active and, most principally, concretely unfold into new macro political realities, as exemplified by Colombia and Brazil.⁴⁵

While the power and efficacy of these crusades cannot be minimized, the limitations and caveats of democratization and of the 2000s left-leaning pink wave are also to be accounted for as factors contributing to the rightward tsunami underway. As analyzed by Pecheny and de la Dehesa (2014), Latin American democratic regimes established or transformed since the 1980s remained fragile and traversed by many limitations and distortions, such as a lack of clear boundaries between private interests and public goods that is at origin of systemic corruption, now attacked by the right wing as an essential feature of leftwing administrations. Another key deficit identified by the same authors is that political democratization did not alter, as required, deep rooted conceptions and practices of social conservatism. This is critical because what is witnessed in the current political landscape is, to a large extent, a deliberate activation of these deeper layers against rather partial efforts of economic and symbolic re- distribution, as well as gender and sexuality democracy.

Another aspect, not explored by Pecheny and de la Dehesa, however, is crucial to better grasp how the fabricated association of ‘gender ideology’ and communist totalitarianism has captured the imagination of the electorate in so many countries. Not everywhere in the region has the 2000s leftward leaning regional politics meant consistent commitments to democracy. While democratic stability and consistency prevailed in Argentina, Brazil, Chile and Uruguay, the same cannot be said of Nicaragua and Venezuela, now drowning in deep political and humanitarian crisis. Authoritarian traits and tendencies were also at work in Ecuador under Corréa and in Bolivia, of which the most flagrant sign was the attempt made by presidents to amend their respective constitutions to remain in power for ever. These left leaning authoritarian realities have not been criticized, as they should have been, by left wing governments solidly committed to democracy, providing the emerging right wing forces the privileged opportunity to accuse these administrations of being accomplices in Marxist inspired totalitarianism.

45 The geopolitical weight and influence of Brazil in the regional scenario is not a minor aspect to be accounted for in the prospects for gender and sexual politics in Latin America in the next few years.

Then we should also look at the caveats and limitations of gender and sexuality policies implemented in the last two decades. As also noted by Pecheny and de la Dehesa, despite flagrant gains, to a large extent these policies have been more expressive than substantive. While as observed in the previous sections, ground breaking legislation or key court decision have indeed granted sexual and reproductive rights in various countries, executive state policies concurrently adopted often lacked the necessary budgetary and institutional solidity. Furthermore, no systematic efforts have been made to more consistently articulate laws and policies aimed at recognition (civil rights) and redistribution policies (socio-economic rights) implemented by leftwing administrations, even when interesting experiments have been made. More importantly, as we have previously noted, the majority of center and left wing political leaders who have been in power in the last two decades have been often silent, ambivalent and erratic when not openly retrogressive in relation to gender and sexual related rights and policy claims. This reluctance has been particularly striking in the so-called controversial areas: abortion, sex work and transgender rights.⁴⁶ Consequently, as policies in place lack the necessary consistency, what has not been grafted in law can be easily prone to extirpation when right wing forces take over state power.

To conclude, in several countries of the region, particularly Brazil, democracy itself is threatened while efforts made in the past thirty years to redress historical axes of hierarchy and oppression in terms of class, race, gender and sexuality are at great risk. It is not possible to precisely predict what will be the effects of these circumstances on the three critical areas we have examined here, but it is not excessive to identify abortion rights - which have been under attack forever - as a priority target of these regressive politics. Albeit, with less visibility, sex workers rights will be also under fierce attack, in particular because of the collateral effects of anti-trafficking policy measures that tend to gain leverage, as also seen under the Bush and Trump administrations in the United States. The effects on gender based violence laws and policies are harder to foresee because they are grounded in a consensus that extrapolates the feminist and progressive camps. In many countries, such as Brazil, right- wing politicians have voted, without blinking, in favor of greater penalties implied in femicide laws because the expansion of criminal regulation and punishment is very high on their political agendas. On the other hand, in 2017 in Ecuador, anti-gender forces openly attacked the gender language of the law provision aimed at curtailing gender based violence.

46 Looking at this pattern from the standpoint of current political conditions it is quite ironic that these actors and forces that have been so reluctant to prioritize gender and sexuality politics law and policy agendas are now viciously accused and attacked for having promoted them in ways that destroy the family and the order of nature.

From whatever angle, the Latin America landscape prospects are deeply somber, reflecting in a variety of ways the deeper and wider crisis of capitalism but also of strongly rooted heteronormative formations. Progressive forces, including academics, feminists and LGBTTI activists now face the multiple and complex challenges of resisting retrogression and preserving the main gains of the democratic cycles that brought us here while also intensively investing in a deep re-construction of democratic values, spaces and institutions and, perhaps more critically, more plural and solid intersectional alliances. While the realities of the current crisis and its shadow cannot be circumvented, it has a narrow bright side. Its contours may, eventually, have made sharply clear to a wide range of actors located across the political spectrum, from liberals and social democrats to the more radical left, that the consistent and sustained defense of democracy and social justice cannot fail to take into account the centrality of gender and sexuality matters.

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Sexual Politics in Post-Soviet Societies: A Preliminary Cartography

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Brief historical background

Since the dissolution of Soviet Union, many countries that composed this political entity remain interlinked on political, economic and cultural levels. In political terms, Russia continues to be the main player in the region with its Eurasian Union and Commonwealth of Independent States (CIS) and massive ideological and financial resources it invests to remain as a reference in people's hearts and minds. Most of these states are linked through common systems of energy supplies, such as oil pipelines and electric lines and constitute a unified economic space. Most importantly, from the point of view of the analyses developed in this paper, these societies are culturally linked through the commonly understood Russian language, memories of shared recent history, dominance of Russian media and large diasporas of ethnic Russians residing in most of the countries. In this paper we will not discuss the three Baltic States -- Estonia, Latvia, and Lithuania—because they have taken an entirely different direction since the dissolution of Soviet Union.⁴⁷

The post-Soviet countries examined in this article can be divided, from geographic and cultural points of view, into three subgroups: (1) Eastern European states (Belarus, Moldova, Russia, Ukraine); (2) South Caucasus (Armenia, Azerbaijan, Georgia); and (3) Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan). To make matters yet more complex, six unrecognized states and states with limited recognition exist in the region: Transnistria, Nagorno-Karabakh, Abkhazia, South Ossetia, Donetsk and Luhansk People's Republic. Throughout the paper we will focus heavily on the first group of states for several reasons. Firstly, we are from Ukraine and Russia (and Anna Kirey lived in Kyrgyzstan for many years), so we have first-hand knowledge of many events described below. Secondly, we have limited access to information from some countries, either because

⁴⁷ We decided to use minimum references throughout this paper. Most 'facts' that the paper relies on were derived either from our knowledge and experience as activists in the region, or from news reports and other non-academic writing in Russian. In the same manner, generalizations, trends and conclusions are our own and certainly need further refinement.

of language barriers (South Caucasus), or because of their isolation due to authoritarian regimes (mainly Turkmenistan and Uzbekistan).

While the focus of this publication developments underway in sexual politics over the past 10-15 years, in the case of post-Soviet space, it is virtually impossible to discuss transformations that took place within this time frame without mentioning the preceding decade. Thus, the paper begins with a brief description of the situation in the Soviet Union up to 1991 and in post-Soviet states in the 1990s, followed by a more thorough discussion of lesbian, gay and bisexual and abortion rights in the 2000s and the first part of the 2010s. Other areas of sexual and gender politics -- such as trans issues and sterilization -- are not as volatile, so they will be examined separately in the final sections of the paper.

Prologue: Soviet Union and the 1990's

In order to fully understand the developments in sexual politics in post-Soviet states, one should go back to the foundation of the Soviet Union. Between 1917 and the mid 1920s, the early Soviet government expressed rather liberal attitudes towards abortion and homosexuality, practices that were decriminalized (homosexuality only in Russia) soon after the 1917 October Revolution.⁴⁸ A few years later, however, when Joseph Stalin took power, a totalitarian turn occurred. Sex between men became a criminal offence in 1934 and a ban on abortion was introduced in 1936.

After Stalin's death in 1954, abortion was made legal again and the possibilities for accessing abortion were subsequently expanded until 1987. The 1987 legislation (Decree of the Ministry of Health N.1342) set the model for later legislations of independent post-Soviet countries. According to this model, pregnancy until 12 weeks could be terminated whenever the woman signed a declaration. But abortion was also allowed until 28 weeks under a broad range of non-medical ('social') indications and could also be performed after 28 weeks for medical reasons. In contrast, and quite significantly, sex between men was not decriminalized until after the fall of the Soviet Union in 1991 and remains criminalized in Uzbekistan and Turkmenistan. This discrepancy in what concerns the post-Soviet sexual and reproductive rights legal frame after the 1990s led to different trajectories in each of these areas, with LGBT activism trying to achieve progress, while reproductive rights activism makes what is possible to preserve laws that have been inherited from the Soviet era, such as legal abortion.

⁴⁸ The best source on early Soviet sexual order remains (Healey, 2001).

The fall of the Soviet Union brought not only democratization and freedoms, but desperate economic conditions caused by the very rapid transition to the neoliberal free market economy combined with a corrupt privatization process, which quickly translated into large wealth gaps. This economic deterioration, amongst other effects, led to the postponement of childbearing and a subsequent ‘demographic crisis’ that was to play a prominent role in the shifting states’ discourses on sexual politics in the years to come. In a desperate need to get recognition and financial help from the West, the newly founded post-Soviet states had to declare their support for certain ‘Western’ values in exchange for economic and political opportunities. Thus, relatively rapidly, many countries removed criminalization of sex between men (*muzhelozhstvo*) from their criminal codes in order to join the Council of Europe: Ukraine (1991); Russia (1993); Belarus (1994); Moldova (1995); Armenia, Azerbaijan and Georgia (2000). Then, in 1998, Kyrgyzstan, Kazakhstan and Tajikistan, with the support of Western experts, also reformed their penal codes abolishing criminalization of same-sex conduct between men. The only two countries that retained criminal prosecution for same-sex conduct are Uzbekistan and Turkmenistan.

In the 1990s, taking advantage of the newly acquired freedom of association and Western funding, gay and lesbian activists began forming their first organizations. Many of these early initiatives focused on HIV and decriminalization of sex between men and would fade away as soon as the latter goal was accomplished, particularly in Russia. However, some of them continue to exist to the present day, as is the case for the association Triangle (1993) in Russia, GenderDoc-M (1998) in Moldova, and Oasis (1998) in Kyrgyzstan. This was also when many women’s organizations blossomed to raise gender issues and concerns previously overlooked by the Soviet state (which had formally declared itself entirely free from gender inequality) including gender pay gap, double burden for women, gender-based violence and access to birth control. Post-Soviet gender studies units were established in universities and Western feminist writings were translated. In the field of reproductive politics, a family planning movement achieved some successes in Ukraine and Russia in advocating for state programs to be implemented. Their primary aim was to promote access to contraception and sexual education as alternatives to abortion.⁴⁹ In Russia, these efforts led to the proposal in 1996 of a progressive bill ‘On reproductive rights of citizens and guarantees for their implementation’ (*O reproductivnyh pravah grazhdan i garantiyah ih osushchestvleniya*) that was, however, rejected by the State Duma.

49 More on family planning in Russia, see Perlman and McKee, 2009 and citations therein.

On the other hand, recently established democratic freedoms have also played out to the advantage of the adversaries of sexual and reproductive rights movements. Political projects constructed around national identity and cultural traditions, inseparably linked to traditional gender roles, also began to emerge. Religious institutions long suppressed in the USSR - in particular the Orthodox Church -- regained power and the numbers of new believers expanded. Furthermore, the influx of foreign ideas and funding was not just for feeding human rights and liberalism. The proselytism of foreign religious groups, mainly evangelical Christian and to a lesser extent Muslim, also grew rapidly and old Catholic communities gained strength.

These waves brought with them the surge of a 'pro-life' and 'pro-family' groups that were also partially sponsored by Western conservative organizations. By the late 1990s, these anti reproductive rights forces were strong enough to facilitate the introduction of a bill 'On the legal framework of bioethics and the guarantees of its implementation' (*O pravovyh osnovah bioetiki i garantiyah ee obespecheniya*) to the Russian Duma. Drafted in human rights language, the bill proposed a radical prohibition of not only abortion (except for medical indications) but also of many other practices and procedures: reproductive technologies, voluntary sterilization, sex reassignment surgeries (except for intersex variations), advertisement of 'change of sex' and of 'services of a sexual nature' and the 'propaganda of homosexuality'. This legal initiative was blocked and a temporary truce was established between the proponents of these radically different views on sexual and reproductive matters.

These trends must be placed against the backdrop of the 1990s overall political environment in post-Soviet countries, encompassing a chaotically fierce competition between different ideologies in an atmosphere of relative freedom. At the same time, states' power often remained in the hands of former Communist Party functionaries who now emerged as the leaders of newly democratized nations while being keen to preserve their privileged positions. The majority of this newly established leadership did not genuinely support democratic values and would easily return to Soviet-style authoritarian practices as soon as the circumstances permitted.

The 2000s: 'Traditional values' and Vladimir Putin

The beginning of the new millennium was a turning point in the history of the post-soviet space. Firstly, it coincided with the election of Vladimir Putin as the president of Russia, leading to the subsequent authoritarian and traditionalist turn that had pronounced consequences on the region as a whole. Secondly, it coincided with increasing oil prices that boosted economies of major oil exporters, including Russia, Kazakhstan, Turkmenistan

and Azerbaijan. Growing prosperity, as compared to the poverty of the 1990s, led to higher levels of satisfaction with the governments in these societies and consolidation of the political power of the leaders. What's more, this money allowed heavy investment in police forces and pro-government propaganda. In the case of Russia, these authoritarian tendencies were manifested in the decreased independence of Russian federated regions and the victory of Putin's United Russia party in the 2003 State Duma elections.

Then came the arrests of the opposition, government control of strategic sectors of economy and the media as well as, from 2005 onwards, restrictions on the work of NGOs. Similar trends occurred in the other aforementioned countries. Financial stability allowed these countries, including Uzbekistan, greater independence from the West. In Russia, it led to the revival of its superpower ambitions now under a Eurasian ideological frame and propelling of a political discourse of revenge for the lost empire.

Countries with fewer natural resources had less space for maneuvering and aligned themselves with these other powers. While from the early days of this reconfiguration, Belarus and Armenia chose Russia as their major partner, Moldova, Ukraine, Georgia, and Kyrgyzstan were torn between the supporters of integration with Russia and those advocating closer ties with the US and the European Union. The more pluralist political landscape in these countries allowed for the successful 'color' revolutions in Georgia (2003), Ukraine (2004) and Kyrgyzstan (2005).

Attempts to take over the power of autocratic leaders were not, however, limited to these countries. In 2005, Russia was swept by riots against monetary reforms and that same year the violently clamped down Andijan protests occurred in Uzbekistan. A year later in 2006, protests against presidential election results also erupted in Belarus. These potentially revolutionary conditions led the rulers of these countries to further suppress opposition and control civil society. Western criticism of these governments' authoritarian shifts, as well as the reorientation of few post-revolution countries towards the West – as manifested in the desire of Georgian and Ukrainian political elites to join NATO – also triggered increasingly anti-Western attitudes in pro-Russian countries. In the sequence of these events, Russian authorities developed their 'preventive counter-revolution' measures and proclaimed the newly crafted concept of 'sovereign democracy' (Horvath, 2013).

The late 1990s and early 2000s also saw the power and influence of the Russian Orthodox Church rapidly expand in the region. Despite official claims of secularism, the Orthodox Church was recognized and granted a special status in three countries: Russia (Law on freedom of consciousness, 1997), Georgia (Constitutional

Agreement, 2002), and Armenia (Constitution Amendment, 2005). In most countries, the same benefits were not granted to other religious groups, even when Catholicism would also grow in Western Ukraine and Belarus. On the other hand, in the late 1990s, and especially following 9/11 events and the US invasion in Afghanistan, Islam increasingly came under attack in Central Asia, as for example in Uzbekistan.

The strengthening of the Orthodox Church in Russia coincided with the shift of balance between abortion rights and pro-life movements. In 2003, the government, while retaining the right to abortion under demand until 12 weeks of pregnancy, reduced the number of 'social indications', grounds that allowed for abortion after the 12th and until the 22nd weeks of pregnancy (Government Decree N.485). The social grounds are now limited to: situations in which a court decision has deprived the woman of parental rights; pregnancy resulting from rape; the incarceration, disability or death of the woman's husband; and health impairment of the woman or the fetus, a medical indication in which abortion is permitted at any stage of pregnancy. In Ukraine, restrictions to abortion legislation were also introduced in 2006 (Resolution of the Cabinet of Ministers N.144), reducing the latest stage for abortion to be permitted on non-medical grounds from 28 to 22 weeks; and the list of 'social indications' radically limited to being younger than 15 or older than 45, rape, and disability of the husband.

At that time, while attacks on abortion rights were clearly intensifying, LGBT rights had not yet emerged as fully visible political target of conservatism, basically because LGBT people and their claims remained concealed from the public sphere. Even so, it is worth noting that the legislation prohibiting 'homosexual propaganda', which would gain momentum a decade later, was introduced in Russia as early as 2003⁵⁰ by the ultra-conservative Member of Parliament Alexander Chuev. Interestingly enough, the primary target of this bill was not the political activity of LGBT advocates but films and TV shows that presented LGBT people in a positive light. Three attempts were made to criminalize 'homosexual propaganda' between 2003 and 2009. The first two attempts failed due to formal bureaucratic reasons and at the third time, in 2009, the law received negative feedback from the Federal Government and the Supreme Court. While supported by all three opposition parties represented in the Duma, it was rejected by the United Russia ruling party that held 70% of votes in the State Duma at that time.

All suggests, therefore, that the Kremlin had not yet realized that LGBT issue was a useful topic to be instrumentalized in both international and electoral politics. It is also quite significant that no similar attempts to

50 As mentioned earlier, the ban on 'propaganda' was already part of the bill on bioethics in 1998. However, in 2003 it was introduced as a separate law.

restrict the rights of LGBT persons were registered in the other countries at that time. The only exception was the ‘propaganda’ ban that passed successfully in 2006 in Ryazan Oblast’, a region of the Russian Federation. Yet propaganda was not the central focus of this law that aimed more generally at the ‘protection of morals and health of children’ (Law of Ryazan Oblast’ N 66-03). Nevertheless, the absence of homophobic/transphobic legislative initiatives -- or the failure of these provisions to be approved in parliament -- did not mean that the human rights of LGBT people were not violated in everyday life. In fact, in the 2000s, as religiosity and political authoritarianism became more pronounced in many countries of the region, restrictions in freedoms and discrimination of LGBT people have increased as compared to the early 1990s.

The establishment of several LGBT organizations in the second half of this decade can, in fact, be explained as a community response to these religious, conservative and authoritarian turns. In 2004 in Kyrgyzstan, the CSO Labrys was founded to engage with lesbian, bisexual women’s and transgender communities in response to a discrimination episode faced by a group of young university-educated lesbians in a ‘friendly’ café (Wilkinson & Kirey, 2010). In Russia, the two best-known LGBT organizations, GayRussia and LGBT-Network, were created in 2005 and 2006 respectively, representing radically different facets of Russian LGBT activism. While GayRussia is engaged in radical public protests and litigation, the Network has opted for more classical ‘advocacy’ methods, organization of peaceful events, engaging in difficult strategic litigation, monitoring of discrimination and the publication of reports and brochures.

The surge of LGB activism can also be partially explained by the abundance of funds allocated to HIV and LGBT issues by foreign donors and embassies from the 2000 on, even when the most radical organizations such as GayRussia, do not exactly fit in this mold. In contrast, the funding of more ‘traditional’ feminist causes such as gender violence, abortion and sexual education appears to have diminished and there were significantly fewer women’s NGOs founded in the 2000s compared to the 1990s. Once again, trends in funding did little to affect less formal feminist organizing.

On the whole, the 2000s were a period of stabilization which followed the turbulent 1990s and which coincided with a gradual turn to conservative values. In the mid-2000s, several governments were contested by the “color” revolutions. Those that survived turned even more authoritarian and conservative than before, with detrimental consequences for human rights activists broadly speaking and sexual and gender politics in particular.

The 2010 ‘backlash’ in Russia-leaning states

The crackdown of 2011-2012⁵¹ on pro-democratic protests in Russia and the third presidential term of Vladimir Putin beginning in 2012 were followed by even more severe attacks on opposition and human rights activists. In the political climate then and now prevailing, the 1990s are retroactively portrayed by the large majority of the population as a dark period of national humiliation that the country must overcome by reestablishing the power of both Soviet Union and Russian Empire. This implied a full ‘return to traditions’, both Soviet and tsarist, no matter how incompatible these two strands of state power may have been as historical realities.

These developments also led to a new wave of conservative backlash in other countries of the region, especially in those geopolitically oriented towards Russia. In 2013-14 in Ukraine, a successful revolution, ‘EuroMaidan’, geared the country to the West while Russia annexed Crimea and supported anti-Ukrainian forces in Eastern Ukraine. In Russia, this meant the further consolidation of the power system around Putin, while for the region in general it resulted in further ideological polarization. From there onwards it becomes very difficult to discuss sexual politics in the post-Soviet space as a whole. For this reason, in the next few pages, we will firstly address the trends underway in Russia and how they spread to other countries that are under its hegemony. We will also look into the dynamics at play in the more Western-oriented nation-states. Bear in mind that national differences are often quite blurred, but the distinction we have established is convenient in analytical terms.

Abortion restrictions

In 2011, a new requirement was introduced for women wishing to undergo abortions in Russia: a waiting period of two to seven days (Federal Law N.323, Article 56). This measure was, in fact, the component of a more ambitious package of restrictive requirements that also included husband’s consent (if the woman is married), parent’s consent (if she is adolescent), forced visualization of the fetus and hearing its heartbeat, as well as psychological consultation). Despite being strongly supported by the Russian Orthodox Church, these other amendments were criticized by the government and members of the ruling party and rejected. Yet in 2012, the anti-abortion movement had another victory when the list of social grounds for allowing abortion that was already reduced in 2003, was brought down to just one indication – rape (Government Decree N.98).

51 The Duma elections were on December 2011 and Presidential elections in March, 2012. The final crackdown actually occurred in May, 2012.

At the same time, the fight to remove abortion from the compulsory medical insurance system is gaining momentum. Similar trends were observed in Belarus, where the number of social grounds for allowing for abortion was reduced in 2013 to rape and deprivation of parental rights (Resolution of Council of Ministers N.23). Psychological consultation before abortion was added, in 2014, and doctors were granted the right of conscientious objection that allows them to refuse to perform abortions for moral reasons (Law N.164-3). Both the Orthodox and Catholic churches heavily support the anti-abortion movement in Belarus.

Despite the growing restrictive climate in both countries, the 1987 definition that abortion on demand by the woman is legal until 12 weeks of pregnancy remains on the books. As for social grounds, they are now limited to rape and women's loss of parental rights in Belarus and only rape in Russia, and can be used to end pregnancy until 22 weeks. The medical indications of women's health risk and fetal impairments also remain intact and the procedure can be accessed at any stage of pregnancy.

“Propaganda laws” and other relevant LGBT issues

Unlike what had happened in previous attempts to ban ‘propaganda of homosexuality’, the years preceding the 2011-2012 elections in Russia were much more favorable to this type of proposal. This was when such law provisions were tabled at regional parliaments.⁵² Public discussions that accompanied the adoption of these laws now often mentioned not just foreign gay celebrities or TV programs as they had in the 1990s and 2000s, but the established Russian activists and organizations that had emerged in the previous years. The most intense debates occurred in Saint Petersburg, the cultural capital of Russia and one of its most Westernized cities, where LGBT movements and communities have substantial visibility. Saint Petersburg was the only place throughout the country where the law provision met any opposition in parliament, from members of the European-oriented party Yabloko as well as by the local government ombudsman and human rights defenders. In some cases, as in Saint Petersburg itself, the parliamentarians went so far as to include propaganda of bisexuality and transgenerness.

52 The correct description of these bodies is “parliaments of federal subjects” but this is too formal and rarely used, the term “regional” is more commonly used to describe them.

The federal version of the law (Federal Law N.135), which passed in June 2013, made all previous regional-level laws redundant. Unlike regional laws, in the national provision the language used was not homosexuality but 'non-traditional sexual relations'. By then Yabloko, the only registered party that had been critical of local anti-propaganda provisions, was voted out of the State Duma in the 2011 elections. Therefore, the voting in favor of the law was almost unanimous, with only one MP abstaining. It is often assumed that 'propaganda' laws were introduced to manipulate public opinion during the election campaign with the aim to distract attention from other more acute problems. Indeed, two of the most resonant bills, in Arkhangelsk Oblast and Saint Petersburg, were introduced on the eve of the elections. However, post 2011 election developments, including the federal provision, make it clear that these laws were valued as such by the parliamentarians who proposed and approved them.

Since 2013, negative discourses on 'propaganda' continued to be systematically used to juxtapose Russian culture and the 'West'. Yet, despite the fears of activists, neither of these laws is being consistently applied in legal practice. In the few cases when they have been invoked, activists have deliberately infringed the regulation for the purposes of strategic litigation. The most frequent use of the law is to prohibit LGBT street protests. But in practice this use does not alter much of what was already in place, as these protests were already prohibited for various unrelated reasons. On the other hand, and more importantly, these laws indeed fuel a climate of hatred and give license for conservative groups to shut down LGBT events and assault LGBT people.

In Ukraine, following the Russian example, proposals to ban 'propaganda' were also made in 2011-2012, having the Crimean Members of Parliament as their leaders. One of the bills (N.8711) even passed the first reading. However, after the successful revolution in 2014, pro-European forces gained political control, and the bills became irrelevant. Also, in line with its general alignment with Russia, the parliament of Kyrgyzstan introduced its own 'propaganda' bill (N.6-11804/14) in 2014, when -- apart from geopolitical trends -- intensive debates on homosexuality were sparked following a Human Rights Watch report on police violence against gay and bisexual men (Human Rights Watch, 2014). Kyrgyzstan's bill implies more severe punishment than its Russian counterpart (up to one year in jail); moreover the bill does not specify children as the only potential victims of 'propaganda'. With several modifications, the text has passed two readings already, but it is still pending of a final vote.

An attempt to introduce a propaganda bill was also made in the Russia-leaning Autonomous Territorial Unit of Gagauzia (Moldova) in 2013, but it was later repealed by the local court under pressure from Moldovan central

administration. Another ‘propaganda’ law passed in Kazakhstan in 2015, but was found unconstitutional by the Constitutional Council on technical grounds (‘vague wording’). In fact, the real reason behind the repeal might have been the willingness of the government to improve the chances of the country to host 2022 Olympics (Human Rights First, 2015). While fierce debates on ‘propaganda’ were held in almost every post-Soviet country having at least minimal freedom of speech, in no other countries the conservative forces were successful enough to pass new legislation.

But the most relevant aspect in that respect is that, contrary to the intended goal of these restrictive laws on abortion and LGBT rights, these reform processes have generated great visibility and multiple public debates on feminist and LGBT issues. More significantly yet, these laws became a catalyst for consolidation of both movements as many previously apolitical women and LGBT persons now felt that their rights were under attack. In Russia, the critique of how these laws have been promoted by the United Russia party and other conservative parliamentary members led many people to conclude that no human rights progress can be achieved under the current political system and to join opposition forces.

Another factor favoring the coalition of LGBT, feminist and opposition groups in Russia is that authorities have for some time permitted the protest of the ‘general’ opposition against unfair elections or corruption, but prohibited all demonstrations concerning LGBT issues. As a result, the wider opposition rallies were the only space where LGBT activists could publicly raise their demands. The coexistence between feminist and LGBT activists, on the one hand, and opposition organizations, on the other, has not always been friendly. But, since the 2011-2012 big Russian rallies ‘For fair elections’, the voices with rainbow flags and feminist slogans became a legitimate element of all events called by the political opposition. However, further progress in this direction stalled after the opposition lost ground under the effect of the skyrocketing popular approval of Vladimir Putin (higher than 80 percent) that followed the annexation of Crimea in 2014.

Not unexpectedly, harsher proposals by Russian parliamentarians have followed the 2011-2013 legal reforms, such as penalization of ‘public expression of non-traditional sexual relations’ and even re-criminalization of homosexuality. Even if they have not been taken seriously, several other laws have been passed that put indirect pressures on LGBT activists, such as raising tenfold the fines for participation in unauthorized street protests. Furthermore, any organizations receiving grants from foreign donors now have to register as ‘foreign agents’, a label with a pejorative connotations implying that they ‘work for foreign governments’. Not to mention that this rule adds a further administrative burden on the organizations. By 2015, the Open Society Foundation, one

of the leading donors on LGBT issues was included in the list of ‘undesirable’ organizations in Russia and has effectively halted its work at country level. The ‘foreign agents’ formula was exported to Kyrgyzstan, but the bill aimed at restricting foreign funding was dropped in 2016.

It is also important to briefly analyze the international reaction to propaganda laws and its effects. One main caveat of this reaction was that it was almost entirely focused on Russia, ignoring similar developments in neighboring countries. Secondly, the ‘solidarity’ actions that have been promoted, including those that erupted during 2014 Olympics in Sochi, were often based on problematic cultural stereotypes about Russia, as for example the proposed boycott of ‘Russian’ vodka (Savage, 2013) of a brand Stolichnaya that is not even produced in Russia but in Latvia. As usual, these actions have not taken into account the viewpoints of Russian activists. Last but not least, international (or more precisely, Western) criticism of the laws was hardly helpful when the anti-LGBT campaign was part of the Russia’s cultural war against the West.

Situation in ‘unrecognized’ states

In 2014, as soon as they have been established, the unrecognized Donetsk and Luhansk People’s Republics in eastern Ukraine introduced legislation to punish homosexuality and its propaganda. In both territories, a general climate of lawlessness and impunity prevails that encourages discrimination, unwarranted violence and the open shooting of people. For its part, the Southern Caucasian republic of Abkhazia passed a law in 2015 completely banning abortion, except for the cases of antenatal death of the fetus and in 2016, its Constitution was amended to include the ‘protection of life of a mother and an unborn child’.

Post 2010 Developments in ‘West-oriented’ countries

Sexual politics in countries termed here as ‘West-oriented’ – Georgia since 2003, Ukraine since 2014 and Moldova⁵³ – has a quite different facade. To comply with demands of their EU partners, these countries have made efforts to eliminate discrimination against LGBT people at the legislative level. In Georgia, the first anti-discrimination law on sexual orientation was passed three years after the 2006 “colour revolution” as an

53 Politics in Moldova is turbulent. They have a pro-EU parliamentary majority and a pro-Russian president (whose powers were suspended a month ago), while society is more leaning to the EU.

amendment to the Labor Code. General law banning discrimination based on sexual orientation came into effect in May 2014 (Law of Georgia on the Elimination of All Forms of Discrimination). In 2012, amendments to the Criminal Code were also introduced making a sexual orientation motivation an aggravating factor in criminal situations. In Ukraine, anti-discrimination clauses were introduced in the Labor Code in 2015 (Bill N.3442), after five re-voting processes and under heavy pressure from the EU. In 2012, Moldova passed anti-discrimination legislation that includes sexual orientation, but exclusively covering employment (Law N.121 on Ensuring Equality). As in other countries, the law's primary aim is to please Western partners and fulfill the requirements for visa-free regime with EU.

These developments might induce uninformed observers to believe that real progress is underway in these three states. For instance, ILGA-Europe Country Ranking (ILGA-Europe) places Georgia higher than any other post-Soviet country except Estonia. However, unlike most Western countries where anti-discrimination laws were passed as a result of internal political process, the three aforementioned states adopted them in a top-to-bottom approach for mere geopolitical reasons. The laws do not enjoy popular support and are rarely used except in Moldova, due to constraints and homophobic and transphobic attitudes on the part of those who are charged with enforcing anti-discrimination provisions. Furthermore, the laws may actually cause more harm than good, since they generate much backlash because the population views these norms - and by extension, all LGBT people - as connected to foreign neocolonialist interventions. Finally, these legislations are very vulnerable to any potential changes in international relations or the situation with LGBT rights in Europe and North America, as they might be easily reversed under external geopolitical pressure.

A number of recent events make evident the high levels of transphobia and homophobia that exist in these three countries, regardless of the existence of these laws. The participants of an anti-homophobia rally of May 17, 2013 in Tbilisi, and of the Kyiv Equality March that same year, experienced high levels of aggression at the hands of counter-protesters and violence in case of Georgia. Then in Ukraine in 2014, the military conflict in its Eastern regions was used by the state as a pretext to ban an Equality March and in 2015 homophobic groups attacked the Equality March. It must also be said that the police did not take adequate action to defend LGBT activists in Tbilisi in 2013 either. And if in Kyiv the public security forces were more successful in that regard, once again this is attributed to EU pressure, which appears to have also ensured a peaceful demonstration in 2016 and 2017. By then, however, in Georgia a constitutional ban on marriage for same-sex couples was being widely discussed and later passed by the parliament. To further demonstrate how superficial in progress has been, suffice to recall that no positive developments are registered in these countries in regard to the non-geopoliticized issues, such as trans rights or sex work.

Abortion and sterilization in less volatile contexts

While LGB rights and abortion in Christian-majority states are very politicized issues, other areas of sexual politics remain less volatile. For this reason, it is difficult to place them on the timescale adopted to frame this paper. Concerning abortion policies in the post-Soviet context, no change is a good thing in itself, since it means that the states left unchanged the already progressive approach of the Soviet Union. Restrictions on abortion seem unlikely to occur in the near future, as shown in Kyrgyzstan and Kazakhstan where attempts to restrict existing laws were successfully blocked by civil society. Similarly, relevant legislation in South Caucasus states has remained almost unaltered since the Soviet era, despite appeals by various religious-affiliated groups to ban or restrict abortion.

However, an issue that makes the South Caucasus region unique is the rapid spread of sex-selective abortions after 1990s when under the impact of Western commercial medical equipment, sex-screening methods became widely available. As in China and India, these technological trends, coupled with the patriarchal culture and son preference, allowed sex selective abortion to become a regular practice. This is already impacting on the sex ratio. In response to the critique raised by international actors in relation to this practice, states started to discuss means to approach the problem. In 2016, Armenia introduced a ban on sex-selective abortion. The legislation was criticized for the possibility of limiting access to abortion in general (The Guardian, 2016).

Another critical issue to be examined is voluntary sterilization, which is generally available, although the conditions vary widely. Armenia, Azerbaijan, Kyrgyzstan, and Tajikistan have no restrictions on voluntary sterilization for adults. In Belarus, Kazakhstan, Russia, and Turkmenistan the rules include being over 35 or having at least two children (in Turkmenistan – three). On the other hand, in Ukraine sterilization is available only on medical indications. But with regard to coerced sterilization, Uzbekistan is a hotspot. Since 2005, mass sterilization of women with more than two children has been reported. The procedure used is tubal ligation or the removal of uterus and/or ovaries, performed after caesarean sections, often without women's knowledge or consent (Antelava, 2012).

Furthermore, forced sterilization is practiced throughout the region on people with mental disabilities. In a notorious 2008 judicial case, the director of a psycho-neurological hospital in Russia who was responsible for forced sterilization of 14 women, was found not guilty due to a legal loophole (Sizova, 2011). However, in

contradiction to what is sometimes claimed to be sterilization as a requirement for legal gender recognition in post-Soviet countries (see Transgender Europe, 2017), the procedure is not explicitly required in any of the countries examined by this paper – even when genital surgeries that, often required may lead to infertility (see below).

Trans issues: from a medical condition to politicization

Unlike sexuality and gender, for a long time ‘transsexualism’ has not been considered a political issue in the post-Soviet region, but rather a medical condition. Persons changing their gender and sex were known to Soviet medicine since the early days of the socialist regime, but it took some time before transsexualism was accepted as a genuine disorder by Soviet psychiatrists. Until then, many transsexuals were diagnosed with schizophrenia (an extremely vague diagnosis in Soviet psychiatry), which barred them from medical transition and legal gender recognition. The very first transsexual surgery (phalloplasty) to be performed in the region was done in the early 1970s in Riga, then in the Latvian Soviet Socialist Republic. The surgeon was severely criticized by his superiors from Moscow (Gnedinskaya, 2014). Afterward, surgeries have been performed by doctors in several cities who expressed committed to the wellbeing of trans people, often without official approval. But as long as successful ‘transition’ required not only medical procedures, but also legal recognition and acceptance in society, some activism began to emerge.

This ‘activism’ began with the doctors, mainly progressive (for those times) psychiatrists and sexologists who spoke on behalf of their patients. They tried to convince bureaucracies and society at large that transsexualism was a genuine illness. They advocated for transsexuals to be viewed with sympathy, not condemnation, and for their gender to be legally recognized. Psychiatrist Aron Belkin, in his book *Third Sex* (2000) described many episodes in which he personally helped trans people to obtain a new legal status. While some doctors acted on a case-by-case basis, in the late 1980s in Saint Petersburg the local Registry and psychiatrist Dmitry Isaev collaborated to standardize a legal gender recognition (LGR) procedure without requiring surgery (Burtsev, 2015). As groundbreaking as this may seem, it should not mislead anyone into thinking that the Soviet state was open-minded about trans people. Transsexualism was perceived as a psychiatric disorder and not addressed as a citizenship right. The doctors who advanced transsexual causes clearly distinguished between ‘true transsexuals’ who needed their help and all the rest, including gays and lesbians and what we now call trans people who do not fall into their rigid definition of transsexualism. Accordingly, most doctors held and still hold rather conservative views about gender roles and sexuality.

Since legal gender recognition (LGR) of trans people is often at the center of their interaction with the state, it is vital to also trace both historical and current maps of LGR rules and procedures in the region. Soviet passports had no entry for a gender marker, but this did not make the lives of trans persons easier because their name, surname and patronymic were decidedly gendered, as were other entries such as that referring to nationality. Furthermore, gender was mentioned in the records of civil status upon which all the documents such as birth or marriage certificates issued by the Registry were based.

In contrast, the new passports issued by post-Soviet states contain a legal gender entry based on the acts of civil status. In 1998, the Russian Duma passed a new law 'On the Acts of Civil Status', defining that legal gender recognition requires '*a document in established form about the change of sex issued by a medical organization*'. Since the law did not provide further elaboration on the degree of medical intervention that was being required this rule was subject to different and contradictory interpretations of various registries and courts. This same formula was replicated in laws adopted in Moldova (2001), Armenia (2004), Kyrgyzstan (2005), and Tajikistan (2006). More detailed laws were introduced in Ukraine (first in 1996, later in 2011), Kazakhstan (first 2003, changed in 2011), and Belarus (2010). Most of these reforms were not politically motivated nor were trans people involved in the processes. It is quite safe to suggest that these legal reforms requiring a medical procedure were introduced at request of Civil Registry staff and/or doctors.

The exceptions are, however, Kazakhstan and Kyrgyzstan. In Kazakhstan, the 2011 reform was motivated by the pressure of the LGBT organization 'Amulet' and converged with the government's aspiration to look more progressive in the eyes of European partners. The new legislation (Government Decree N.1484) received considerable media attention. It, in fact, violates the human rights of trans people to a greater degree than the previous rules because it requires a trans person to stay 30 days in a psychiatric institution for diagnostics and surgery as a prerequisite to LGR.⁵⁴ An attempt to introduce a clear and straightforward LGR process was also made in Kyrgyzstan by 'Labrys', but it failed in 2012 due to government instability and conservative media attacks. The process that was finally developed in collaboration with activists and adopted in 2017 does not require any medical treatment to be performed, but the diagnosis of 'transsexualism' is a prerequisite (Kyrgyz Republic Ministry of Healthcare and Republican Center of Mental Health Care, 2017). The reform of the LGR mechanism in Ukraine has been underway since 2016. While the final outcome is unclear, the opinion of activists is being taken into account.

54 The norm is also in open contradiction to the country's reality as there are no medical facilities with expertise to perform some of the required surgeries.

The examples of these three countries show that trans issues began to slowly enter political discourse in the late 2000s. It may be argued that this politicization derived from the pressure made by trans, LGB (T) and human rights activists and organizations that now exist in the region. Russia is an exception. In 2017, the Ministry of Health started to develop the 'established form' of a document clearly defining LGR procedure in the country. While the precise reasons for this development are unknown, they are almost certainly not related to pressure from activists or external pressure. It is important to note, however, that the final version of the document (Decree of the Ministry of Health N.850H) took into account some demands of the activists (Transgender Legal Defense Project, 2018; Kirey-Sitnikova, 2018).

Current modalities of trans activism

Having the brief historical background offered above in mind, this section offers an overview of post-Soviet trans activism today. This overview is organized around four types or modalities of activism that have emerged across time, albeit not strictly in chronological terms, and that co-exist at present while quite often operating in isolation from each other.

Horizontal mutual support networks

Given the relatively small number of trans people and the vast distances within and across post-Soviet countries, effective communication among them just became possible with the spread of the Internet in late 1990s. After gaining knowledge from English-language websites and mailing lists, trans people in post-Soviet space began quite early to create their own web-based resources. The oldest of these resources is the mailing list TGrus that was started by a trans woman from Kyiv in 1998 and remains active today. The list is dedicated to a wide range of trans issues: personal stories, especially acceptance of one's gender identity, transition and discrimination; advice on hormonal therapy and 'passing' in the desired gender role; discussions of doctors and surgeries; news discussions, etc.

Since the early 2000s, the number of trans websites and web forums grew rapidly. Not long afterwards, people engaged with these web-based resources started to organize offline meetings, especially in bigger cities, that typically took place in cafés or outdoors. The first space organized as such appears to have been the shop 'Transgender', run by a trans couple in Moscow since 2007. The shop mainly specializes in clothing for

trans people and cross dressers, but is also a place for trans friendly hair removal as well as support groups and various gatherings. Later the same couple opened a private clinic that provides transgender health care including the full spectrum of services for gender transitioning. A characteristic feature of this thread of activism is its practical orientation towards the enhancement of self-help among trans people. This activism operates on a network basis with no apparent hierarchical organization or leadership, although it might act as a launch pad from which organization can develop, and it does not seek external funding. Without ambitious goals to reorganize society or change policies, it tries to establish support ties and help persons to better live their lives in the world as it is.

State and biomedical oriented advocacy

Another important activist strand may be characterized as advocacy towards the medical system and the state bureaucracy. It is exemplified by two organizations both trans led: FtM-Phoenix in Russia established in 2008 and T*ema in Ukraine established in 2014. The former organization works extensively with doctors throughout the post-Soviet region and has organized two conferences on trans health, in 2013 and 2014, in Moscow. It also advocates for more comprehensive regulations on LGR with the Russian Ministry of Health. Since 2016 T*ema has been participating in a working group that developed a draft of new LGR regulations that would significantly reduce the number of requirements, including compulsory surgeries. Despite some visible political results, other activists regularly criticize these organizations for being 'conformist' and 'pertaining to the system'. Yet these are exactly the qualities that permit these organizations to establish contact with authorities and push for legal and policy changes, however small they may be in the current political situation prevailing in most countries of the region.

LGBT activism

A third type of activism makes demands for structural change and most often works from outside the medical and bureaucratic systems, even where this inside/outside divide is subtle. It differs ideologically from the two previous strands in that it raises many criticisms - based on human rights principles, international agreements and feminist theories -- in regard to the power exercised by medical and state authorities over the lives of trans people. Because the general public perceives all these conceptual references as foreign and Western, it is exactly this form of activism that governments aim to outlaw by introducing the 'foreign agents' regulations.

On the other hand, the political and conceptual affinity between these streams of activism and the international LGBT, human rights and feminist movements also means that they are better positioned to sell their agenda to international donors. The recent shift towards the inclusion of trans issues in the agenda of these LGBT organization is, in large part, motivated by their desire to improve their image in the eyes of donors, who are now pressuring in that direction.

This cluster is more heterogeneous and includes many cisgender people, especially LGB-activists. In a prototypical case, an LGBT organization is created by cisgender lesbians and/or gays with no knowledge of trans issues, but the letter 'T' is added to their name because it is part of the imported LGBT acronym. Later some trans people may or may not demand inclusion, based on the fact that transgender is mentioned in the organization's name. Since their needs are somewhat different from those of cis-LGB people, they sometimes form separate groups inside the organization, while using its resources such as grants, office space, lawyers, etc. The level of integration between trans and cisgender activists varies from determined commitment to trans causes to cases where trans people's existence is only recalled when it is necessary to demonstrate that they have been included. The past two years, however, have seen the emergence of several trans organizations, which were previously institutionalized as trans groups inside LGBT organizations.

Cultural queer activism

The fourth cluster might be called 'cultural activism' because it fundamentally aims at changing people's minds and cultural perceptions. It is neither about reforming the laws or medical procedures, nor providing immediate relief and support for trans people. It takes multiple forms that range from radical writing to public lectures and to street actions and performances. It has long term aims: the overcoming of cissexism, patriarchy, medical authority (including trans-pathologization) and of intersecting oppressions, broadly speaking. The underlying theories informing their vision is often uncritically borrowed from Western sources without much consideration of how relevant these frames may be to post-Soviet realities. Its main source of conceptual influence is trans/feminist⁵⁵ and queer thinking and those who belong to this domain of activism are mostly privileged and well-educated trans and gender-variant people. Cultural activism is frequently and consistently condemned by many members of trans communities because it is viewed as a politics merely devoted to bluntly criticizing the system

55 On the introduction of transfeminism in Russia, see Kirey-Sitnikova, 2016

without making any concrete proposals on how to improve the lives of trans persons. Another key aspect is that while cultural activism aims at making trans issues visible, most trans people in the region are not always comfortable being made visible or to see trans issues publicly discussed.

Overarching trends in trans activism

Such a spectrum of activism modalities that range from a focus on needs and small deeds to political action mobilized by revolutionary dreams is not unique to the post-Soviet space. Yet in the region these modalities have peculiar features that deserve to be looked more closely. The LGBT and cultural queer activist strands have been enhanced, almost everywhere, by the spread of ideas emanating from the Western world, whether mediated by Western donors (LGBT activism) or not (cultural queer activism). However, in their own ways the other two ideal types (horizontal self-help networks and state/biomedical advocacy) are also borrow from Western, or more specifically English, written sources. For example, trans web forums are full of European and US news, translations of various practical advice including hormonal therapy protocols and scientific articles. Furthermore, the Ukrainian official working group, which is assisted by T*ema, adopted guidelines from the United Kingdom as the basis for new LGR legislation.

Activists engaged with the self-help horizontal networks and state and biomedical oriented activism collect practical and medical information in Western settings, re-interpreting it and adopting it to post-Soviet cultural values that they usually do not critically interrogate. In contrast, political and cultural trans activism adhere to and disseminate foreign theories, ideational views and values, and because of that they are perceived as a threat to traditional lifestyle and the state itself.

The prevalence of specific types of trans activism in each national context greatly depends on the openness of respective countries to Western influences and also availability of external funding. In formerly Western-oriented Kyrgyzstan the institutionalization of trans activism (implemented by Labrys for example) became possible only with the support of Western funding. The same is true for the Ukrainian CSO Insight. On the other hand, self-help online activism was for a long time prevalent in Russia and Russian-speaking parts of Ukraine and Kazakhstan. Cultural activism is the realm of a rather small group of individuals with middle-class backgrounds from richer countries, mainly Russia. Neither activism of type (1), nor (4) is dependent on funding, which arguably makes them more likely to outlive the current foreign funding restrictions at play in some countries. As for the second cluster of activism, those engaged with it occasionally seek Western funding without genuinely subscribing to

Western ideologies, although they often try pragmatically to translate their goals into the marketable language of human rights. Although funding is desirable for them to perform larger projects, it is not critical for their survival.

But perhaps the most important aspect to be highlighted is that post 2010 developments in trans activism, especially derived from LGBT political work and cultural politics queer actions -- coupled with greater visibility of LGB politics -- led trans issues to being perceived as more political. Until then gender identity remained to a large extent confused with sexual orientation in the perceptions of state authorities and the society at large. This is now changing, as demonstrated by the introduction of oppressive legislative initiatives aimed specifically at trans people, especially in Russia. As mentioned above, in 2015 the parliament of Samara Oblast, a region of Russia repealed a local ban on propaganda of homo- and bisexuality because it became irrelevant since the introduction of the federal law. But it retained the ban on propaganda of transgenderism, arguing that it is distinct from what is defined as 'non-traditional sexual relations' in the federal law. Since then, a number of anti-trans bills have been also proposed by Russian parliamentarians, even when they have not prospered. This trend confirms the worst fears of many trans people, who for a long time have been opposing public trans activism, arguing that increased political visibility might trigger more persecution and violence. On the other hand, some activists may regard a temporary spike of transphobia as a necessary evil on the long road towards the acceptance of trans people by their societies.

The dispute cannot be resolved, since gender and sexuality as political issues have generally lost relevance for the Russian population. Since 2014, societal attention has mostly switched from domestic politics to international events such as the annexation of Crimea, the war in Donbass and the Syrian civil war. The Russian government enjoys overwhelming support from the population, with no further need to look for 'internal enemies'. LGBT and trans organizations continue to work and to receive foreign grants through proxy institutions, even if their work has become less publicly visible. Likewise, the conflict with Russia overshadows issues of sexual politics in Ukraine.

To conclude

Post-Soviet states inherited progressive legislation on abortion from the Soviet Union that is increasingly under attack from religious groups in every one of them except for Central Asia. While the conservatives were able to achieve small victories, the legislation generally holds and there is strong public support for pro-choice

arguments. Due to the reality of widespread abortions during Soviet rule, one might argue that even today abortion continues to be perceived and accepted as pertaining to a post-Soviet 'cultural tradition' that is at odds with the new waves of the organized religious conservatism presently attacking long-existing abortion laws.

On the other hand, one can hardly find many precedents of tolerant attitudes towards LGBT people during the Soviet era, except for its very early times that are remembered by no one today. Thus, LGBT issues are more widely considered non-traditional and a corrupting influence of the West. Indeed, the progress on LGBT issues in some states, such as decriminalization of sex between men in the 1990s and early 2000s and antidiscrimination laws in 2010s, was only possible under pressure from European countries and international intergovernmental bodies such as Council of Europe and UN. As soon as some post-Soviet states were able to free themselves from economic dependence on the West, mainly as a result of growing oil prices, they were no longer obliged to adhere to this illusion of tolerance. For these states, with Russia at the forefront, LGBT issues became the integral part of their cultural and geopolitical war with the West and a populist mobilizing tool. A minority of post-Soviet countries that do not wish to align themselves with Russia and do not have sufficient resources of their own, are still obliged to comply with pro-LGBT provisions in order to be eligible for partnership with European states. Geopolitical considerations appear to be the main drivers of LGBT politics, as neither group of countries was able to develop a strong enough LGBT movement in the past 25 years.

As for trans activism, by and large trans communities were formed in the 2000s as separate groups which had little in common with LGB demands. Their activities were focused on self-help during transition, including advice on navigation through the current bureaucratic and medical systems. Subsequently various streams of trans-activism emerged that began challenging the status quo to various degrees, gradually increasing visibility and politicizing trans issues. On the other hand, LGB(T) organizations were becoming more inclusive towards trans people and their needs, which resulted in increased cooperation between trans and LGB movements. As the general public and politicians were becoming more aware of non-heterosexual and trans people, especially after the propaganda bills, they started to perceive them as distinct groups. This led to attempts to persecute trans people, specifically in Russia. However, the wave of public outrage and persecution of LGBT activists appears to have subsided following increased international tensions in the region since 2014.

Any further analyses of the sexual politics examined in this paper must take into account the gradual consolidation of secular and religious conservatism and political authoritarianism not only in post-Soviet countries, but also worldwide. While these regional and global trends may signal more restrictive legislation and additional clamping

down on civil society activism, it is hard, if not impossible to predict what comes next in terms of renewed and creative resistance to these trends.

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Part 2

National Contexts

Sexuality Research and Sex Politics in 21st Century of Mainland China

Huang Yingying

Introduction

The introduction, in 1978, of market-based economic reforms and the Open Door policy in the People's Republic of China (PRC) was accompanied by dramatic social transformations, including the fading of traditional beliefs and increasing exposure to 'Western cultures' through popular music, dance, and movies; a major increase in social mobility; and the popular use of internet and mobile phones – from the mid 1990's on-- coinciding with the implementation of policies such as the new marriage law and one child policy (Pan, 2008). Rooted in such local social changes, relationships among marriage, family, love, gender and sexuality – the elements that create people's primary life circles (Pan, 2006) – are becoming more complex and dynamic.

National survey data suggests that rapid changes are happening with respect to Chinese people's sexualities. In the decade between 2000 and 2010, for example, the prevalence of multiple sexual partnerships, extra-marital sex and casual sex increased significantly, and sexual identities, norms, and practices became more diverse among both men and women, young and old (Pan & Huang, 2013). The opening up of sexual culture in the past thirty years has also been demonstrated in several qualitative and cultural studies of urban China (Huang, 2008, 2018; Wei, 2015a; Pei, 2010; Farrer, 2002). Creative activities organized by LGBT (the English term is now widely introduced and locally used) groups, young feminists and sexuality educators who claim gender and sexual rights have also increased the social visibility of sexuality and gender issues. Hence, researchers argue that China is undergoing a 'sexual revolution' to define the rapid changes occurring at both the level of individual practices and in the wider realms of sexual culture, which contrast with the strong politicized and 'discursive silence' on sex and sexuality during the Cultural Revolution (1966-1976) (Pan & Huang, 2011).

In response to these changes, debates surrounding sex and sexuality have exploded in public discourse in recent years. While some practices are becoming more socially tolerated than others (e.g., premarital sex),

others are more strictly regulated by the state (e.g. pornography, sex work), and a few are being advocated for (e.g. sexual health) or against (e.g. sexual violence) in the public policy arena. With the increasing visibility of sexuality and gender in public space, especially in new media -- such as blogs and WeChat -- the resistance to 'sexual liberation' has also emerged, manifested through the voices of local groups known as 'anti-sex aunties'. In parallel, the overall climate is traversed by waves of moral panic and the speech of state and non-state actors calling for moral governance and social harmony. (Huang, 2014, 2018)

In contrast to these rapid changes, sexuality research in academia is falling far behind. In a previous literature review, I have examined how sex and sexuality were addressed and research subjects between 1980 and 2007 and mainly argued that the biomedical, essentialist view on sex was still the dominant paradigm research. Besides, women were often seen as victims, as in prostitution or in the use of women's bodies in commercial advertisement. Since the 2000s, initiatives to morally control the sexuality of youth (especially college students) and promote the self-control of men (including men who have sex with men, MSM) have also emerged in reaction to the HIV/AIDS crisis. Already at that time, calls were made for the society to 'get back to tradition', to resist what was seen as the negative consequences of 'westernization'. I then concluded that an affirmative and gendered conceptual framework of sexuality is needed which is rooted in the Chinese context and that is against the background of a 'cultural flow' (Huang, 2012). This paper is based on this and other previous studies documenting sexuality research as a driver for change, but it also tries to capture both new changes, trends and tensions at work in society in relation to sexuality and continuities. It aims to enrich the knowledge on sexualities and sex politics by positioning the China case in the global context in the 21st century.

Frame and scope

Inspired by Plummer, the analyses that follow critically examine sexuality research as a form of sexual storytelling (Plummer, 1995). Within this frame publications and articles are not viewed as static products, but as reflecting the dynamic processes of knowledge production and of discursive practices on gender and sexuality in both academia and activism. This approach also takes into account historical, social and political factors at play in the context in which these stories are being told.

Millet (1970) underlined that ever since the scientific recognition of 'sex' in the 19th century, its political dimensions and meanings have been neglected. In the 1980's, Jeffrey Weeks (1981) crafted the concept of sexual encompassing the different layers of sex as politics in a variety of contexts. In respect to sexual politics

the paper encompasses three levels of analyses. The first level concerns the discursive and knowledge frames that are embedded in sexuality research. The second covers the dynamic intersections between sexuality research and political forces such as censorship and other state interventions such as anti-prostitution and anti-pornography measures, as well as other contextual dimensions as the economic environment (e.g. consumerism, funding flows), the Chinese state refutation of what it terms Western “ideology” and newly adopted regulations on international funding for research and civil society organizing. Connections and tensions between the local and the global, in particular the plurality and complexity of how ‘local’ and ‘global’ are manifested in discursive practices and knowledge production, comprise the third level. The analysis will also address the question of power imbalances and aspects relating to political strategies or tactics devised by actors involved in sexual politics.

Having these layers as the backdrop, the paper performs a brief literature review of key Chinese official publications (e.g. journals and books) as well as of relevant non-official research project reports and conference papers (from 2007 to 2016). It also scans what has been translated from Western and regional sources to document transnational and transcultural flows in knowledge production. Publications on Chinese sexualities in English have not been extensively included in the package because they are mostly “West oriented’ and already available to English speaking audiences. The exceptions are those works that have strongly influenced local scholars and activists.

Another key source of data used in the analysis comes from the observation of seminars and conferences, as privileged sites to grasp tendencies in knowledge production and understand the process through which sexuality becomes a socially legitimate topic. The Institute of Sexuality and Gender at the Renmin University (ISG) founded by Professor Pan Suiming (to which I am affiliated), is, since the early 1990’s, a key academic location for sexuality research. Since 2007, it has promoted biannual international conferences on sexualities in China and since 2009 annual sexuality workshops for Chinese participants. It is also engaged in nationwide research projects. Its platform encompasses researchers and activists mainly from mainland China, but also from Taiwan, Hong Kong, Macao, the UK, the US and Australia. As a key sponsor of the activities promoted by the center⁵⁶ I had many privileged opportunities to observe and critically reflect on recent changes, trends and tensions in sexuality research and sexual politics. Observations on debates and processes at play in social media and the Internet more widely have also been included when necessary.

56 As a sponsor, I have reviewed abstracts, presentations and papers, but was also engaged with fund-raising (mostly from Ford Foundation) and have dealt with university politics as well as with obstacles created by state censorship.

Recognizing that it is impossible to comprehensively document in detail the vast universe of knowledge production on sexuality and to dig deeply into every corner of sexual politics, the scope of the is paper is limited to charting key changes and trends that allow for capturing signs of what is happening in the realms of Chinese sexualities in the 21st century. Departing from my previous review work of sexuality research in China for the 1980s-2007 period I will map what has happened until 2016 in terms of modalities of research, topics and research questions, theories and methodology. I will also look into the dynamics of publishing and funding (whenever data is available) and identify key actors who are producing, inhibiting or consuming sexual stories produced by research, including government agencies, university authorities, researchers of other areas, international and local NGOs, the commercial sector and the media. The intersections between politics, social norms and economics that are embedded in gender and sexuality politics as expressed in research and activism is also addressed.

2007-2016: Changes and continuities in research

Emerging gay and lesbian studies and its social-political forces

In the past ten years, sexology studies that use medical and behavioral approaches – which have prevailed in China since the early 20th century- are still numerous and tend to look into sexual and reproductive health (SRH), especially amongst young people. However, shifts can also be identified in research trends. The most significant is the increasing visibility of gay studies, which have been propelled by three combined factors: ongoing public health research in relation to HIV/AIDS that mainly focus on ‘MSM’, especially young people, usually depicted as ‘innocent’ and easily seduced by older gay men⁵⁷; the expansion of advocacy-oriented projects of LGBT groups that use research to claim visibility and rights; and a slight increase of interest on sexuality on the part of university sociology and anthropology departments. This section will look into these different strands.

State led and academic research on LGBT in the AIDS era

The 2000-2010 years have been characterized as the AIDS era in China. This was when international programs began being implemented at country level which brought with them not only funding but also international

⁵⁷ Not surprisingly this line of research has often triggered waves of moral panic.

conceptual frames to guide prevention and other health interventions (e.g. a number of China-UK joint projects, the programs supported by the Global Fund, a China-Australia project, projects funded by the Gates Foundation). During this period, the Chinese government also initiated policies on HIV/AIDS prevention and intervention, and conducted comprehensive implementation work scaled up from pilot projects supported by international programs (Pan, Huang & Li, 2006).

In this context of analysis, it is also worth noting that the profile of at-high risk populations identified in China have markedly changed since the 1980s and early 1990s. While then high HIV prevalence was concentrated amongst sellers and buyers of blood, by the late 1990s and early 2000s high prevalence rates were detected amongst intravenous drug users. Presently, high rates of new infections are reported amongst MSM and it is claimed that China has now reached the stage of a 'homosexual' HIV/AIDS epidemic (Long et.al, 2017). Related to that, more recently the findings of large scale epidemiological and behavioral studies have been publicized that deploy moral judgments on the influence of 'sexual liberalism' over young people (especially college students) and call for moral and public health measures of containment.

A brief search of official academic journals published in China since the 1980s found around 4000 articles under the keyword *tongxinglian* (homosexual love, a popular Chinese term for gays), the majority of them were published after 2006 in public health journals and mostly use confusing and twisted definitions of MSM and (male) *tongxinglian*. This means that, in the name of 'science' and the governability of 'numbers' (new infection rates), increasing attention is now being given to MSM and gay groups within a medicalized frame and not much awareness exists in regard either to existing critiques of the MSM terminology or to the pathologizing effects of dominant HIV/AIDS discourse (Parker, Aggleton & Amaya, 2016).

In parallel, when compared to what happened in the past, gay studies have also gained more legitimacy in social science research. But even this trend appears to be mostly linked to state control agendas, as illustrated by the fact that few scholars have been successfully granted resources from the national social science funding to study gay sexuality unless it is related to family value and social stability agenda, in an overall political context in which stricter censorship is being implemented in relation to pornography and the policing of prostitution is escalating (Huang & Pan, 2014).

While the bulk of the existing literature is more obviously influenced by the concerns with HIV/AIDS and moral control, new lines of studies inspired by global LGBT rights movements have also emerged in academia, and

a substantive part of this literature has been produced by Chinese nationals who have studied abroad. In analyzing this cluster, I have excluded a number of psychological and educational articles because of their moral judgments and problematic research assumptions. Considering what is left, the most prevalent key words in the material I have selected are: identity, out of closet, marriage and families (eg. Wang, 2011, 2014). A few studies can also be identified that look into gay subcultures from the point of view of the transformations of the urban scenes in China (Fu, 2012; Wei, 2012), or emphasize consumer culture (Wei, 2015a; Luo, 2016), gay rights movements (Wei, 2015b). In addition, some cultural studies have been also been performed of gay literature and film production. However, studies focusing on lala (the popular Chinese term for lesbian) experiences, gender identity, family lives and social networks are very scarce (Kam, 2014; Cheng, 2018). Even fewer are the sociological studies that examine gender diversity among adolescents or the general population on the basis on randomized surveys (Pan & Huang, 2013).

Despite these limitations, four relevant books on sexualities have been published in China in the last decade. Guo's book critically analyzes Chinese law and regulations in relation to homosexuality (Guo, 2007). Fu (2012) and Wei (2012) performed in depth ethnographies of gay urban cultures. Wei (2015a) has published a second book on queer culture in Chinese cities. Few monographs on lesbians are also to be mentioned: Engebretsen's study on Lala's life in Beijing (2009), Kam's book on Shanghai Lala (2015) and Sang's (2003) on emerging lesbian cultures in the early 20th century.⁵⁸ It is also notable that Right now, there are also more undergraduate and graduate students are interested in gay, lesbian, bisexual and transgender issues.

Activism driven research under LGBT movement

The emergence of non-state led studies on LGBT issues can be tracked through project reports, presentations and conference papers produced by LGBT activists. Since the mid-2000s, support to LGBT voices and storytelling initiatives (speaking about 'ourselves') became very popular with the support of international donors (such as Ford Foundation) and global LGBT networks that have a presence at China. For example, in 2009 an oral history project began that was conducted by *Common Language*, a NGO engaged with the promotion of LBT rights through the documentation of lesbians' and lesbian feminists' histories in contemporary China. More recently, a

58 The findings of the studies on lala's lives have been translated or introduced in Chinese through blogs and WeChat in recent years. Sang's work was translated and published in Taiwan in 2015.

Guangzhou-based NGO is working on an oral history of elder gays. The feature film *Zhi Tongzhi* (Queer China), directed by a queer director (Cui Zi'en), interviewed over twenty researchers and activists to portray the history of LGBT people in China in the past two decades and has been widely shown across the country (Cui, 2008). Surveys on anti-discrimination, psychological health and situational analysis have also been initiated by LGBT groups (Beijing LGBT Center, 2014, 2017). And it is quite impressive that almost half of all abstracts submitted to the sexuality conferences and workshops sponsored by the Institute on Sexuality and Gender since 2011 are on LGBT issues (which was not the case in previous years).

The increasing number of gay and lesbian studies briefly scanned above (and even the early studies on trans issues) suggests that the field of sexuality research in China is somehow repeating the pattern observed in the development of the sex/sexuality research field in the West (Rubin, 2011). From my observation of conferences and seminars, the hypothesis can be raised that the field is shifting from general sexology studies amongst heterosexuals or the general population to become focused on gay identity, sexual and social practices with a few incursions on lesbians, transgender, and SM and other transgressive sexual practices.

Some of these studies consciously dialogue with the Western literature and explore commonalities and distinctions between the Chinese gay culture and the Western experience. They emphasize as key Chinese differentials the dominant family centered environment and the influence of Confucianism, conditions that create sharp paradoxes between coming 'out of the closet' and having the obligation to marry ('the wife of gay men' phenomena). These topics have not been addressed in the current Chinese literature and the involved researchers are trying to be 'the first ones' to study them and these research efforts are seen as a contribution to anti-discrimination struggles or greater social visibility of sexuality issues. However, they quite often lack theoretical consistency and are not in dialogue with the academia. In this strand of research focusing on storytelling, more conventional LGBT perspectives tend to prevail over novel 'queer' theoretical frames and this inclination has been criticized in some quarters. Other critical voices are also interrogating the power imbalances between academic researchers and the social subjects they study, in particular in the case of public health and mainstream social science studies that tend to objectify and even exploit the persons and groups being researched. This same line of critique explores the differences and tensions pertaining to epistemological differences between the conceptual frames of researchers and the knowledge and interpretative parameters of the persons and groups that are subject to research (Wang, 2016).

Critical sociological analysis of the current prevalence of storytelling in sexuality research in China is also raising a number of conceptual questions. For example, some voices are asking why gay and lesbian stories have emerged in the peculiar historical conditions of China today? Or else, can we say that sexuality research is becoming more wide and diverse or, on the contrary -- under the impact of global HIV/AIDS, LGBT rights and queer theorizing – it is, in fact, becoming narrower? What is being left out of studies and story-telling strands that mainly focus on identity, ‘coming out of the closet’, social attitude, marriage and family? How is sexuality positioned in these studies and how is ‘queerness’ being understood? How to further elaborate critically on global-China or West -China connections in relation to these multiple processes of knowledge production? Those who are producing knowledge are not always fully aware of these epistemological implications and spaces must still be created for these questions to be further and productively explored by all persons and groups engaged in sexuality research.

Sexuality education and the politics of youth

Since the early 20th century, when the first wave of sexology coming from the West reached China, sex education and concerns with sexual and reproductive health among the youth has been one main focus of sexuality research and, after the 1980s, this has not changed (Pan & Huang, 2011; Huang, 2012). Since 2007, 6,803 papers have been published under this rubric, most of them focusing informed by sexual and reproductive health and sexology frameworks. A recent literature review of 106 papers on adolescent sexuality -- published between 1996 and 2016 in CSSCI indexed journals -- sharply criticized the limitations of the research models used in these studies: their narrow focuses (SRH knowledge and behaviors); methodological problems (lack of solid evidence, problematic research design and sampling, absence of qualitative approaches); lack of consistent theoretical frames; the automatic use of international standards to define ‘adolescents and young people’ (15-24) without interrogating if this applies or not to the Chinese context (Huang & Zhang, 2016).⁵⁹

While much continuity is observed in terms of sequential waves of sex and sexuality education related research, this is also a domain where few changes have occurred in the last decade. For example, studies aimed at promoting sexuality education among youth are now overlapping with emerging gay and lesbian studies that

59 So as to interrogate the limits of these frames, the ISG has sponsored few seminars and published two special issues of our journal that call more qualitative methods and critical social science approaches to address adolescent sexualities (Huang & Zhang, 2016).

address discrimination and bullying (e.g. Wei & Liu, 2015). This new line of work coincides with the advocacy initiative known as *Purple my School* sponsored by UNDP, which sensitizes teachers, parents and students to be friendly with LGBT students and to create safe space for them. As greater attention is also being paid to gender based violence and related psychological effects, a new line of work that is also stimulating research is the creation of gender-friendly counseling programs, which emerge from advocacy and training provided to school teams by LGBT groups and sexuality educators (Fang, 2012).

This articulation of sexuality education and antidiscrimination programs has triggered resistance from conservative forces that criticize 'sex positive approaches' for being too open, even too liberal, in regard to sexual matters. On the other hand, the embracing of psychological approaches to sexual violence and abuses on the part of sexuality educators and LGBT groups is not without problems or risks either. Some of these approaches project a negative view of sexuality and tend to portray women and adolescents as victims to be protected and those adopting these frames are not always aware of the problematic effects they may have. In other words, the question of what does 'positive approach to sex' mean and of how to navigate between the 'dangers' and 'pleasures' of sexuality (Vance, 1984) is also emerging in China today.

Another notable phenomena in the realm of sexuality education are the initiatives aimed at transforming educators' mindset. In addition to the pilot projects among migrant children in primary school conducted by the research team of the Peking Normal University (and supported by Ford Foundation (Liu, 2008), international NGOs such as Marie Stopes International China have been playing important roles in promoting peer to peer formation programs with a more affirmative approach to sexuality and LGBT issues, as compared to the modalities prevailing in the official educational system. Sexual behaviors, identities and self-autonomy as well as protection from violence and harassment and SRH are included in the contents. These new programs comprise camps, workshops, salons, online video and WeChat interventions that are used as new forms of sexuality education. The methods are innovative and the model is participatory, implying much initiative on the part of young people themselves. These 'right-based' and 'gender sensitive' frameworks are welcome because they go beyond the classical sexology model that dominated Chinese sex education programs until recently. They manage to escape, to some degree, the conservative and bureaucratic environment of the public education system.

While it is important to recognize the passion, prompt response and the innovative spirit of these young sexuality educators, their theoretical frames and understanding of 'sexuality' are not always so clear. The politically correct perspective of these programs on youth and the politics of age-- usually seen as a force to challenge

authorities – can also be subject to critical scrutiny. The very concepts of ‘peer education’ and ‘participatory approach’ introduced by international programs since 2000s must be interrogated through questions such as: Are the young peers being influenced by the discourses of the programs they are engaged with? Can these young educators be patient enough to learn and think historically? Are they able to self-reflect on the process of knowledge production they are engaged in? Are they aware of the complexities and tensions involved in sexuality matters? Much remains to be done in relation to assessing the long-term effects of promoting positive sexualities’ views among the youth.

Young feminist paradoxical views on gender and sexuality

Another novel and significant force shaping the sexuality field in China is the wave propelled in recent years by young women known as the ‘young feminists’. They are usually activists working in women’s and LBT NGOs or university level students living in China or abroad. Since 2012, the ‘young feminists’ have called for gender equality heard in Chinese society through a wide variety of street performances and flash-mobs such as the occupation of male toilets, shaving their heads and walking around the streets with bloody wedding dresses and bold anti-sexual harassment action in subways (Wei, 2015c). They have also become widely known by global audiences after the arrest of ‘five young feminists’ who were engaged in an anti-harassment action in Beijing a day before International Women’s Day 2016.⁶⁰ Most of their activities target gender inequality between men and women and aim at increasing gender awareness and women’s status in society. But they are also actively engaged in sexuality debates, critically commenting on episodes of sexual harassment on and off campus and expressing views on sex work (Song, 2014a).

The ‘young feminist’ have developed new lines of storytelling on sexual harassment and extensively use new media technology. Differently from previous research and action conducted by academic feminist (since 1990s) they openly contest mainstream patriarchy. This new feminist wave and its active involvement in sexuality debates requires further critical attention when exploring the changing sexual politics landscape in China. In contrast with the older generation of state and academic feminists, the ‘young feminists’ are engaged in politically bold actions, they openly talk about women’s sexual autonomy and are very friendly with LBT rights.

60 The timing of the protest was highly sensitive from the political point of view as it occurred in between two major Communist Party congresses happening in Beijing (the National People’s Congress and Chinese People’s Political Consultative Conference).

For example, in their new Chinese versions of ‘Vagina monologues’ the scenes of orgasm are portrayed by both cis and trans women and the same frame is used to address gender based violence. The active involvement of lesbian and bisexual women has brought a more diverse view toward gender and a more open attitude to talk about women’s sexual autonomy compared to old-generation feminists.

However, controversies and tensions have also erupted between the young feminists and the groups self – defined as promoters of positive sexuality or sexual rights advocates⁶¹ in particularly in regard to sexual harassment and violence. For instance, in 2014, the young feminists strongly criticized a sexual harassment episode involving a male professor against one of his female students and have called for strict state-led legal regulations of sexual harassment against women. Their political action, through the strategic use of social media, combined with people’s growing moral anxieties in relation to male professors teaching girls, attracted a lot of public attention. In response, a state norm, known as the ‘Red Seven Regulation’, was issued that same year that prohibits all forms of ‘improper’ sexual relationship or sexual talk between university professors and students.

Most of the young feminists supported the measure because they consider that the unequal power relationship between professors and students justifies such rigid regulation. But in practice the new regulation intensified state control over the morality of teachers and students. This development caused criticism on the part of groups who claim to be advocates of sexual rights and who think that the ‘zero tolerance (to sexual harassment)’ claimed by the young feminists is too simplistic and does not leave space for doubts and ambiguity that always exist in the real life world of sexuality. Sexual rights advocates have also pointed towards the risks of using the law as the first and foremost solution for sexuality related conflicts. The young feminists reacted by accusing sexual rights advocates of being gender insensitive and unable to understand the structural constraints of women’s sexual autonomy (Song, 2014a; Huang, 2018).

Similar tensions are at play in debates around sex work. Most Chinese feminists (both the old and the young generation) consider that decriminalization or legalization of sex work is a symptom of gender and class blindness. In their views, policy proposals in that direction fail to recognize men as dominant consumers in a patriarchy market-oriented system in which women’s bodies are systematically objectified (Song, 2014b). Most of them believe that a law punishing the clients -- as proposed by the Swedish model -- is the best way

61 There is overlapping and confusion between these voices and the sexologists.

forward to set women free from this unequal sexuality exploitative system. Massive numbers of sexual stories and related commentary articles on prostitution as patriarchal exploitation are published online these days, often linked to sexual harassment debates.

From my personal observation of ongoing debates on this particular subject, the voices that recognize women's sexual autonomy in sex work and criticize the feminist 'victimizing' discourse on prostitution are easily labeled as agents of the '(new) sexual liberalism. They are accused of being unable to perceive and understand the 'structural constraints' deriving from to political-economic factors that are what lead women to sex work. Interestingly enough, these debates that are evolving in 21st century mainland China that oppose young feminists and sexual right advocates often recall me the 1980's 'sex war' between two strains of feminists thinking on sex and sexuality in the US. These are "wars" that, at that point in time, Carole Vance described as a main expression of 'the tension between sexual danger and sexual pleasure in women's lives' (Vance, 1984, p.1) and Gayle Rubin analyzed in the following terms:

"One strand has criticized the restrictions on women's sexual behavior and denounced the high costs imposed on women for being sexually active. This tradition of feminist sexual thought has called for a sexual liberation that would work for women as well as for men. Another stream considered sexual liberalization to be inherently a mere extension of male privilege. This tradition resonates with conservative anti-sexual discourse. With the advent of the anti-pornography movement, it achieved temporary hegemony over feminist analysis' (Rubin, 1984, p.301).

When we apply these lenses to China it is possible to grasp how beyond the surface of young feminists' discourses on sexual harassment, sexual violence and sex work continuities can be identified with the positions of the older feminist generation of the 1980s-1990s, which emphasized the sexual oppression of women's, therefore aligned with the second stream analyzed by Rubin. The 1980s and 1990s feminist studies and interventions have also mainly focused on the subordinate status of Chinese women vis-à-vis men, criticizing China's male dominated culture and unequal gender relationships. As I have observed in another paper this vision also had the effect of portraying 'women-as-victims' and thereby discouraging positive representations of female sexuality and autonomy. (Huang, 2012)

Feminists who emphasize women's subordination and oppression consider that those who do not radically condemn sex work are unable to recognize the 'structural factors' pushing women towards sexual exploitation.

Within such a frame, pro sex work voices are accused of being naïve because they believe in (unlimited) women's 'individual agency or autonomy'. One way to respond to this critique is to remind that no absolute and unbounded agency exists. In that respect, the question 'can the subaltern speak' raised and explored by Spivak (1988) is, in my view, too easily and quickly responded to by Chinese feminists with a blunt 'NO'. This rigid understanding of the 'structure-agency' dyad as well as of the 'sex positive' Vs. feminist views on sexuality, calls for further reflection on the risks implied in calling upon the state to regulate sexuality and protect women, or of re-emphasizing women's structural victimhood in heterosexual relationships.

These tensions and paradoxes have been critically analyzed by Josephine Ho. Based on her twenty years of research experience in Taiwan and also on observations of mainland China debates, Ho underlines the risks of a strong attachment to the binary frame that opposes 'sex positive streams Vs feminism' or even 'structural factors Vs individual' agencies, because it simplifies and exaggerates the differences and contrasts between the two poles. She examines the negative effects of positioning feminist views on power structure over and above sexual rights and individual autonomy. Last but not least, she tracks how the 'women victim' myth is embedded in and developed through a perennial story telling of sexual harassment and exploitation that has been circulating globally for more than a century (Ho, 2016).

In relation to this realm of political action and related controversies many questions can be raised. What does sex positive mean and how to interpret sexual liberalism? How to think about the relationship between gender, sexuality and power imbalances? Who are sexual conservatives in China today? What are the competing concepts inspired by the new liberal and new left streams of politics in China today? These questions and concepts are not to be taken for granted, as they often appear in feminists' commentary on sexuality matters. The calls for 'true' sexual freedom in a 'real' equal gender relationship made by some feminists is too utopian and remains at a distance from the complex dynamics of people's lives as they are.

Introducing 'Sexuality' and 'Gender/sexuality' (性/别): Meanings and limits

As observed above, quite notably a wide range of research on sexualities is happening today in China. But it is also worth mentioning that a wide range of large scale sociological research exercises are also underway, on topics such as sex and sexuality transformations in China through surveys and observations, studies of daily lives of female sex workers and male construction workers' sexual culture, the social construction of women's sexual body, the second wife phenomena , cyber dating and cybersex, wives of gay men, partner seeking and

sexual relationships of women living with HIV & aids, and methodologies of conducting research on sexual behaviors, sex work, youth sexuality; et.al.

These studies, even when they are not well known by a wider social audience, challenge the medical and commercial sexology paradigms that still prevail in China and continue to search for an experience-near approach to lived sexualities in certain cultural contexts. While inspired by the theorizing of sexuality developed in the English written social science literature, Chinese scholars have also realized the limitations of introducing and using these Western conceptual frameworks without criticism and have also searched for local and contextualized historical lenses. Since the mid 2000's, in the process of translating Western literature to Chinese, the quest for concepts of 'sexualities' that are more akin to Chinese local, historical and subjective constructive views has been extensively discussed (Huang, 2018).

In recent years, this particular line of knowledge production has been further propelled by a series of international conferences sponsored by the Institute of Sexuality and Gender (ISG) as well as by LGBT organizations. ISG's biannual conferences and annual workshops have become an important platform for the gathering and networking of researchers and activists coming from different backgrounds and different sexuality and gender communities.

In regard to these interactions, I would like to specifically mention the productive interactions with researchers such as Josephine Ho and Ning Yin-bin from the Centre for the Study of Sexualities in the National Central University of Taiwan (NCU), because they have introduced to us a theoretical concept of 性/别 (gender/sexuality) that combines historical analysis and critical reflections on how gender/sexuality frames have been constructed and deployed in Taiwanese society and how this connects with global trends⁶². The 性/别 (gender/sexuality) frame was inspired by the post 1990s historical experience of Taiwan's social movements on gender and sexuality and implies a paradigm shift that emphasizes the complex intersectionality of gender, sexuality and other social elements of differentiation. The adoption of this revised conceptual framework in Mainland China allowed for a much more productive approach to sexuality and its complexities. More importantly, the cultural similarity, the common and geographic proximity – as compared with Western societies – makes it much easier to exchange ideas with Taiwanese scholars and activists. The close interactions between sexuality research

62 Details could refer to <http://sex.ncu.edu.tw/english/about.html>.

in mainland China and Taiwan is also politically meaningful in terms of challenging Western ideologies in knowledge production and to creating a platform of regional cooperation that allows for retracing historical trajectories of Chinese sexuality cultures in articulation with other social issues.

As a result, 性/别, is becoming popular in the academic literature and debates in mainland China. However, as both Jo and Ning have pointed out, the different trajectory in terms of theorizing sexuality and in what concerns the relation between the gender and sexuality movements in Taiwan and mainland China must be taken into account carefully, not to mention the distinctions in regard to the overarching political and social dynamic of the two countries. The main challenge is how it is used and employed locally in mainland China among different sexual groups. Moreover, more Chinese local terms and concepts that are historically-related or rooted in everyday lives are remaining exploratory.

Tensions and resistances

The spread of positive visions of sexuality face more challenges today in China than a decade ago. Currently, it is much more complex than previously to map and better understand the counter-discourses and the forces confronting sexuality researchers and activists. The landscape is more unstable and the stakeholders involved have become more numerous.

Examining the changes and continuities of sexual discourses as manifested in research reports and related debates in the 2007 - 2016 period we can see that previously dominant sexology frame is increasingly challenged by critical social science perspectives. LGBT groups, young sexuality educators and feminist activists have developed more diverse sexual discourses and have pioneered contributions on promoting gender and sexual equality. However, their sexual politics of political correctness regarding age, gender and sex work is not without caveats. Furthermore, the diversity and hierarchy among young and LGBT must also be addressed and discussed. My view is that even when the sexual rights and young feminist initiatives are pioneering change, critical questions must be raised in relation to what 'sex' or 'sexuality' these groups studying and talking about. Similar interrogations must be asked about what is 'queer', as the term is becoming more and more popularly and broadly used in Chinese. Last but not least the definitions of 'positive' and 'negative sex' also need to be scrutinized.

More importantly, perhaps, to gain more social support many activists' voices are now either deliberately (or not) portraying sexuality in ways that mobilize negative perceptions. One of these streams is identified in the groups now emphasizing the 'homosexualizing of AIDS' because this discourse is triggering waves of social panic around the risk of young men being fooled into same sex relations. The other stream are feminists whose victimizing discourses and simplistic view on the primacy of 'gender equality' over 'sexuality' (or the emphasis of, 'structure' over 'individual') also project shadows over sexuality (Ho, 2016). It is also to be noted that groups now engaged in gender and sexuality debates also tend either to silence or to express negative views on 'marginal forms of eroticism' such as sex work, BDSM (bondage, discipline, sadism, masochism) and other practices considered by them as promiscuous. These discourses, though imbued with progressive intentions, can also be considered as counter discourse, because, as previously seen in Taiwan and the US, they can easily fuel positions and state interventions against sexuality as a positive dimension of human life.

On the other hand, openly conservative forces -- known as the anti-sex aunties -- are also currently extremely active in China. The anti-sex aunties usually have strong religious connections and are engaged with deploying strong moral views on gender and sexual matters. For example, through their websites -- and using quite well organized on spot political interventions -- they have made their voices loudly heard against the sexual liberalism of Sexpo, which is a commercial sexuality fair that occurs in a few cities. In Xi'an, for example, they have thrown eggs and feces on the sexologists who were lecturing. They constantly post strong statements against pornography, pre-marital sex, homosexuality and multiple sexual relationships on their websites (Huang, 2014).

Although we do not yet have greater clarity in regard to how these groups are being funded and what their precise connections are with religious forces, such as Evangelicals and the Catholic Church, their actions suggest that a more robust, more visible and better articulated anti-sexuality conservatism is taking form in mainland China. The moral panic created around the fantasy of young college men being fooled to engage in MSM practices, accidentally or not adds grist to these mills of conservative sexual morality.

Last but not least, in academic circles a group that has recently emerged and self-identifies as the new (political) Confucianists is also making efforts to make their voices more widely heard, including in respect to sexual morality. Their proposals aim at improving moral and social governance through the revival of 'traditional Chinese values' that they trace back to Kang Youwei, a famous late 19th century intellectual who reappraised Confucius (Tang, 2015). This intellectual current, albeit in a different manner because it is strongly connected

with the state apparatus, also contributes to the expansion of conservative moralizing views of gender and (women's) sexuality.

Then, when the focus is turned towards state policies, censorship and anti-prostitution measures have also become more draconian in the name of social order, or social harmony. Furthermore, since 2014, more strict Internet regulation in relation to sexual content has been adopted and even academic seminars and lectures on sex work are now being targeted by state censorship.⁶³ It is also noteworthy that the interaction between the Chinese government and international actors (and processes) has also intensified with contradictory implications.⁶⁴ On the other hand, the government newly revised the Regulation on Registration and Administration of Social Organizations in 2016 that define quite strict regulations for local organizations to receive international funding. Additionally, an administrative law on foreign non-governmental organizations was approved in 2016 and began being implemented in 2017 to regulate international organizations based in China (SCNPC, 2016). These state actions will definitely impose greater state control over research and social interventions in the realms of gender and sexuality in the years to come.

At same time, global trends and forces are increasingly palpable in the shaping and timing of sexual politics in China. As previously mentioned, in addition to HIV and AIDS funding, Chinese society has seen the reframing of ideas introduced through new waves of sexuality education and the young feminist movement, the circulation of queer theories in academia and social movements and the international support for sexuality oriented programs. Today, policy debates that take place at the UN and other international arenas have increased influence over domestic Chinese debates on gender and sexuality; so although not impossible, it is hard to contain and control these global-local interactions.

A not very optimistic and inconclusive summary of the overall charting of sexuality in China offered by this article is that the intersections among various factors such as economic and funding trends, national and international politics (including ideational frames on sexuality and, more broadly left and right) and the discourses emanating

63 For example, in recent years the Institute has tried to publish a methodological book to orient research on female sex workers in China, but failed to because of the sensitivity of the topic and our position of criticizing the anti-prostitution law. A seminar on female sex workers was also canceled for similar reason in 2016. More importantly, a broad "Clean up the internet" anti-pornography action was initiated and has been implemented since 2014 on the grounds that it will 'protect the good of children'. Retrieved from <https://baike.baidu.com/item/净网行动/219681?fr=aladdin>

64 For example, the Chinese government and UN Women co-hosted the "2015 Global Women's Summit", and President Xi has made promises to promote gender equality and donated 10 million USD to UNIFEM at his opening speech.

from sexuality research have continued changing in the past 10 years. The impacts these cross-cutting forces will have on sex and sexuality in China needs to be continuously observed through critical lens.

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'SABSE BADTAR – TEEN-SO-SATATTAR!' (THE WORST – 377!): Queer Mobilizing in India Against Anti-Sodomy Law

Vivek Divan

'If music be the food of life/ then laughter is its queen/ and likewise if behind is in front/ then dirt in truth is clean.'

Procul Harum, 'Whiter Shade of Pale'

Preface - Introspection is a good thing

This piece of writing relates to a significant effort in the realm of sexuality politics – the attempts made by civil society in India to seek the decriminalization of sodomy (Section 377 of the Indian Penal Code) through the judicial system.⁶⁵ It is written as a firsthand account of occurrences from my vantage point, as the person who managed Lawyers Collective HIV/AIDS Unit (LCHAU), the non-profit lawyers group that strategized, drafted and filed the public interest litigation (PIL) on behalf of Naz Foundation (India) Trust in 2001, conducted the civil society mobilization that occurred in the long journey to the hearing of the case in 2008 climaxing in the victorious Delhi High Court judgment of 2009, and revived that mobilization in 2017 when the case was reaching its conclusive stage in the Indian Supreme Court. My unique position as the queer⁶⁶ person in LCHAU (and on behalf of Naz India) who was the bridge with the larger queer community provided me the privilege to participate in critical moments of this journey, nurturing it along from its filing in 2001 to the end of my work

65 This piece was written mainly in 2016, since which time many events related to the case that it speaks about have occurred. For reasons of brevity, those events are traversed here but not in detail. That would require a good deal of more writing. Many of those events – including the revival of a national dialogue by the queer community related to the case – have been heartening. Some of the events – including the unilateral and self-serving attempts of a few in 2018 to litigate the case without any engagement with the larger queer community – are another illustration which informs some of the disappointment that is expressed in this paper. More reading on this can be found at <https://arc-international.net/blog/on-the-verge-of-a-kind-of-freedom-riding-india-of-section-377/>. Vivek would like to thank the many people whom he has worked with during his time at Lawyers Collective, and since. He is fortunate to have had the opportunity to have taken this journey, and learnt along the way. For this paper in particular he would like to thank Asmita Basu, Kajal Bhardwaj, Shumona Goel, akshay khanna and Malu Marin for their review of and perspectives on previous drafts.

66 The word 'queer' here is used in varied ways, and often for the sake of brevity. In this instance, that's what I identify as. But in most other parts of the paper, it is used to represent the spectrum of LGBT people and the numerous, diverse Indian sexuality and gender identities. On occasion it could also cover men who have sex with men. I write this to clarify, although this focus on terminology is not particularly important to the essence of the paper.

with LCHAU in 2007. It was in these years that the case faced some of its gravest challenges – from expected quarters (the courts, the religious zealots, the AIDS deniers, the queerphobes) but also from the unexpected. The focus of this paper is on the latter. My engagement with the case was from more of a distance between 2008-2014 when I worked abroad, and was renewed when I returned to India.

This aspect of the journey has been scarcely written about or documented, and by no means is this meant to be a blow-by-blow account of what transpired. Instead, after providing a general context, I focus on certain critical moments in the journey to the courtroom and after, in order to contribute to reflections on what we have traversed as different actors in sexuality politics around the world, where we have come from and been, and how that has forged the way in which sexuality politics has occurred in our contexts and may be shaped in the future.

This is not an academic piece of theory or research. Rather, in the pages that follow I describe and critique sexuality politics – by using the example of the attempt to decriminalize sodomy through the judicial route in India – not in terms of the larger forces of the political economy, but as an inward looking exercise to examine how we do the work of advancing sexuality rights, what motivates and shapes us and the conduct of our work, and how we could do this better, by holding up a mirror to ourselves and aspiring to meet the human rights value frame that we try to champion. As an attempt at reflection, I am interested in the introspective task of probing how we engage with activism, advocacy, alliance- and movement-building. In that context, issues of representation, participation, and the ethics of accountability and attribution are important ones to consider when advocating political or human rights positions generally, and have been vital to the work I have been involved in. They impact efforts at solidarity, and affect outcomes in the long term, ultimately influencing the robustness of related movements and communities.

Representation is significant when aspects of sexuality rights that impact a large group of people are contested and advocacy efforts are undertaken on their behalf. The legitimacy of these efforts can be questioned based on whether the group's concerns and priorities are articulated to accurately represent the diversity of their voices, and the importance of their rights claims. A wide range of questions can be raised, such as: Who can speak for the group? How do class, economic background, gender, caste, religion inform representation? And, should they?

Indeed, the question of participation is also central to these debates. When advocating on behalf of the many, is there a responsibility towards ‘multilateralism’, in terms of ensuring that affected communities and their representatives are meaningful participants in strategic advocacy? What does ‘inclusiveness’ mean in a resource-limited, culturally and politically diverse, economically stratified context? Is there an ethical value basis (and questions of representation and participation are ethical questions) that should inform advocacy work? Do ends justify means? Is alliance-building, in contexts where solidarity efforts are crucial to success, so essential as to make us ignore the dubious conduct of potential allies? How are actors in this realm of work accountable to the communities they impact for their actions, for the consequences of these actions, and for shaping the agenda to advance a particular human rights issue? The issue of attribution raises questions of how the impact of work in the realms of human rights, sexuality, and HIV can be measured when there are multiple actions and influences toward the outcomes. How do ‘movements’ write their own histories? I hope some of these themes resonate in what follows, although I do not pretend to know the answers to these complex questions.

Providing context – Queerness, HIV, and the law

Before moving forward, some words on the backdrop against which the Naz India case came about are apposite. The nub of the claim being made in the Naz India case was that Section 377 of the Indian Penal Code⁶⁷ in effect criminalized the sexual lives of queer adults engaged in consensual conduct with one another.⁶⁸ The petition argued that this provision of criminal law struck at the very core of queer people’s beings and elementally influenced the way they were able to live their lives (not freely, constantly under the threat of the law, and unable to realize their fundamental rights to liberty, equality, life, health, privacy, and freedoms of speech and expression), and how they were treated by the state and society (with opprobrium and bigotry), disempowering them from countering scorn and injustice, and making them highly susceptible to exploitation, abuse, violence and grave health consequences associated with HIV. In its petition, Naz India argued that 377 should be declared unconstitutional by the Delhi High Court as it violated these numerous fundamental rights of queer people.⁶⁹

67 Section 377 of the Indian Penal Code, 1860 is a British colonial legacy, which states as follows: “*Unnatural offences: 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 of either description for term which may extend to ten years, and shall also be liable to fine*”. Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offense described in this section.”

68 In fact, the terms used in the 2001 petition were ‘men who have sex with men’ and ‘gay men’.

69 Most of the litigation papers related to the case as it traversed its journey of almost two decades are available at the queer Indian online resource retreiveidfromorinam.net/377/.

But, why was it Naz India that made that claim? This was a justifiable question that was raised by those following the case, and indeed queer activists. For it to be answered it is necessary to provide a brief overview of HIV/AIDS in India. The response to HIV/AIDS in India was initially spurred through a World Bank loan to the Indian government in the early 1990s. The focus of efforts supported by these monies was mainly on prevention messages to the general population, with the aim of curbing what then seemed like a potentially sub-Saharan-like epidemic from blighting India. Funds were disbursed to government agencies tasked with HIV work, and to non-governmental organizations (NGOs), often considered best placed to undertake very sensitive work in contexts where discussions on sexual behavior, intimacy, sexuality, power and health were difficult at best.

Meager funds, however, went toward working with communities most vulnerable to acquiring HIV – the already unpopular, stigmatized fringe of sex workers, drug users, trans people and ‘men who have sex with men’. This latter term emerged in the HIV context as a public health definition framed to capture that vast gamut of men who indulged in such sex but would be highly unlikely to identify as gay, homosexual, or queer. Regrettably, for long the term was also used to subsume transgender people. With evidence mounting that these groups were the most susceptible to HIV for a complex set of socio-economic, physiological and behavioral reasons, an urgent need arose to work with them. That HIV was wreaking havoc among ‘men who have sex with men’ in India spurred a need to structure health interventions for them.

Of course, this need was contested by skeptics in health and bureaucratic systems who did not believe that homosexual behavior was anything more than a very rare aberration in India. But the seminal work of organizations like the Humsafar Trust in Mumbai, and Naz India in Delhi made the contestation redundant. Men were dying – men who mostly didn’t identify as ‘gay’ or even to any related indigenous queer identity, men who were often furtively having sex with other men while being married to women, and also men who did identify as ‘gay’ but who mostly kept that aspect of themselves unrevealed to the world at large. It was in this context that Humsafar and Naz India began their pioneering work in cities where a lot of male to male sex was happening. Funding finally became available to these NGOs to focus their work on reaching out to men at the sites where they gathered – public parks, public toilets, railway stations etc. – to educate them about the need to, and the methods of having safe sex, and to provide prophylactic tools such as condoms.

It was not easy work. It still is not. And NGOs such as Naz India were unable to do this work optimally due to the threat of criminality that doing this work entailed: Naz India would be aiding and abetting the crime of ‘unnatural sex’ (377) by distributing condoms to homosexual men, or teaching them about safe sex. Those needing these

health commodities could not get them if the police dangled the looming threat of criminal liability on Naz India's outreach workers. And, in this mess between far-sighted health priorities and misbegotten moralities, potential recipients of crucial interventions were being denied their right to health. Naz India's staff and outreach workers had shared their frustrations of arbitrary policing with LCHAU.

Early on in its spread, HIV revealed many hitherto hidden inequalities and marginalizations in society, and how these disparities and exclusions disempowered people from protecting themselves from the epidemic. Empowerment through the law – legal literacy, litigating rights, advocating for law reform – became one of the tools that could be used to mitigate marginalization, inequality and disempowerment, and contribute to effectively responding to HIV. It was this understanding that brought Lawyers Collective to work on HIV, initially intermittently and then in a sustained manner through its HIV/AIDS Unit. Over time LCHAU's work began to cover many areas related to, but also independent of HIV, including sexuality.

The LCHAU team was made up largely of lawyers. As a lawyer, one is trained and taught to be available to assist clients who seek legal advice, and represent them in dispute resolution if such a strategy is deemed necessary. While providing pro bono legal aid services in the context of HIV and sexuality there were two kinds of clients who approached LCHAU: the individual who was aggrieved and claimed judicial redress for a rights violation, or the organization seeking to make a legal case in the public interest, since it impacted an entire community or group of people it worked with or represented. There were more than a few instances of the latter, including HIV+ people's networks that filed PILs seeking a ban on advertisements claiming false cures for HIV/AIDS, or challenging patents on medicines. Another such instance was the case of Naz India, which routinely referred its clients who sought legal advice to LCHAU. And, in relation to the frustration Naz India had expressed about the criminalization that 377 imposed, the thought of filing a PIL challenging the constitutionality of this law was prompted in discussions with LCHAU.

To be sure, the recognition that 377 was a problem that impeded the human rights aspirations of queer people in India had emerged in discussions and debates among queer, feminist, and queer+feminist spaces since the 1980s. That this law was an impediment to the lives and health of queer men was also within the consciousness of these spaces, and among those working on HIV and male sexual health in the late 1980s and early 1990s.

Indeed, the nuisance of 377 saw articulation through judicial redress when AIDS Bhedbhav Virodhi Andolan (ABVA) challenged its constitutional validity in the Delhi High Court in the mid-1990s, claiming that it impeded

vital HIV and health work (and therefore violated the right to life) in prison settings, where condom distribution for inmates was prohibited by the police due to the law's existence.⁷⁰ ABVA was one of the early organizations working on HIV through the lens of human rights, at a time when few were and when few understood the ramifications of a serious epidemic in India. The organization comprised queer and non-queer people in a country that was not yet net-connected, and where queer organizing and collectivization were still nascent.

By the time I got involved in queer activism (in the late 1990s), the internet had begun to connect people in ways hitherto unimagined; and a serious albeit fraught HIV response was well underway through government and NGO efforts. This contributed to more frequent and deeper discussions on being queer: the challenges of family, patriarchy, masculinity, fears of violence, access to health services, economic independence, and homophobia were among the multitude of issues that were discussed within collectives, communities and support groups. I speak of contexts that I was involved in – urban, English-speaking, middle-, upper- class. Of course, these themes were common to queer people across class and caste, as I learnt when I began to meet queer men in all their stripes.

Most queer men's non-sexual networking – and politicization – in cities happened through HIV NGOs then, with a few queer collectives also providing such spaces. When I began to work in the area of HIV as part of LCHAU, these understandings were furthered, along with a realization that 377 played a very real part in queer men's lives. Being trained in the law, I already knew of the existence of 377, although most men who had sex with men whom I interacted with at work did not.

Memories

To back up for a bit to my late teens and early 20s – and add elements of a personal aside – I went through law school largely stumbling from one class to another and not particularly focused on what I was studying, being distracted by all the testosterone swirling around me, developing serious crushes, falling in love with men, being initially confused about my sexuality but figuring it out as a young student. In the second year, I noticed that when Criminal Law, specifically the Indian Penal Code, was taught there was a Section 377, glossed

70 A substantial account of how ABVA came to file this case is provided in "No One Else: A Personal History of Outlawed Love & Sex" by Siddharth Dube (Harper Collins India, 2015)

over by what I assume was a professor too embarrassed to talk of such things to a group of impressionable students, and who also probably did not see the point of focusing class time on a section which was rarely used, and used (in his mind) against reprobates anyway. Also that 377 was pointedly referred to in a later class in my penultimate year, although I cannot quite recall the context. My ears perked up and I became overly self-conscious that this was about me - because you had to be an idiot not to understand what 377 in all its ridiculous archaicness was about - and therefore pretended nonchalance in the moment. This was even though by then I was 'out' to at least a dozen friends – and to everyone but my father back home – on the assurance that they were to tell nobody under any circumstances. Such was the closet. The law affected me by its very existence, irrespective of whether it was ever used. Over time, the idea of 377 festered in my mind. Not to the extent that I had any thoughts that something needed to be done about it, but certainly to the extent that the injustice of a law that considered an essential part of me (who I had sex with consensually) to be criminal caused righteous indignation. What kind of equity was this?

I knew that this absurd law existed, but I had not looked at it closely until I began to interact as a queer person with other queer folk at support group meetings at Humsafar. Future colleagues from LCHAU attended one of those meetings as resource persons to explain the nexus between HIV vulnerability and criminal law. I began working with LCHAU shortly thereafter and the experiences of Naz India in Delhi became sharp and clear. It made no sense. The government was, on the one hand, supporting vital life-saving work performed by organizations like Naz India and, on the other, it kept intact a ludicrous law which impinged upon this very work. Among other rights violations, this contradiction made for a solid legal case to question 377's constitutional legitimacy.

Traces of a diatribe

You may read some of what follows as a tirade, and in part maybe it is. I have wanted to write portions of this for many years now, but have felt emotionally too close to events to believe that I could do so with a modicum of balance and dispassion. While the passage of time in the 2010s helped somewhat, events in 2018 around the case have made emotional detachment challenging again. I have attempted to do some writing in the last few years. Yet, during all these years, since events began to unfold, writing continued to be a struggle. That is for several reasons. For one, the work at LCHAU during much of the 2000s was emotionally fraught. It meant dealing with an HIV epidemic at a time when the people one regularly interacted with were dying in the prime of their lives, and encountering a by-and-large callous health system and police machinery, which looked with disgust

at the HIV+ person, the sex worker, the trans person, the homosexual or the drug user. Being queer myself had something to do with the emotionality of it too, I'm sure, as I realized that a largely invisible community of 'my' people were unknowingly highly vulnerable to a then terminal illness, with heroic yet insufficient work being done to inform them of risks and provide the necessary tools to protect them.

The work also became emotional because some of it, and particularly the work around 377, received attacks from the least expected quarters – some queer activist circles. That emotion in the form of disappointment persists, since the work has revealed a queer activist ecosystem that is far more flawed than one had imagined or hoped for. Indeed, it is these flaws that have in part led to a context where the case has been conveniently misrepresented by certain gay petitioners who entered the battle against 377 in 2016 – which I shall refer to as the 'Navtej petition'⁷¹ and their lawyers – as a fight that they have championed and won, despite coming into the case many years later and refusing to engage with the large queer ecosystem that has been involved with the case over a generation. This is in no way to denigrate the extraordinary and crucial work on queer emancipation and support that continues to happen all over India at local levels. My pessimism relates to the unlikelihood of an effective, unified, compassionate and ethical effort on the national front.

Being in a team of lawyers who made a case for the rights of unpopular and disenfranchised people, one expected opposition and hostility from the world at large. HIV and the legal issues it threw up were by their very nature controversial and discomfiting, informed as they are by sexuality, criminality, and societal disgust. That was fundamentally the nature of the work at LCHAU – litigating and providing legal support services for the abovementioned highly stigmatized populations. In fact, over time LCHAU also began to provide legal assistance for queer women, often couples fleeing hostile home environments, with the older one being charged with kidnapping the younger woman. Legal aid services were provided in tandem with advocacy for the human rights of the affected, in the form of capacity building workshops and seminars with judges, policy makers, the police, healthcare personnel, trade unions and employers. Given mainstream society's ill-conceived notions around sex and sexuality, one went into much of this work with such audiences assuming that ignorance and bigotry would be part of the deal.

71 These petitioners were Navtej Johar, Sunil Mehra, Ritu Dalmia, Ayesha Kapur and Aman Nath.

But the resentment that became manifest from parts of the queer activist world – who one assumed would be natural allies – when the Naz India case was filed was wholly unexpected. This antipathy emerged from a perception that Naz India and LCHAU had failed to protect the queer community’s interest by filing the case in a non-consultative and non-participatory manner. This unexpected turn led to much distrust. Friendships were lost in the process (and some have been regained since); even attempts to malign reputations – including allegations of homophobia against Naz India and LCHAU – were made but failed. This rupture would lead to an opportunity that LCHAU took to unite and galvanize the queer activist community around the case. However, this effort at inclusion and engagement also dissipated – to be revived only in 2017 and 2018 by Lawyers Collective and myself – despite some queer collectives and individuals stepping up to be part of the legal challenge, lending strength to the litigation. The hypocrisy of much of this still rankles, as does the failure of queer activism to introspect and candidly reckon with its own conduct. The hypocrisy became even more stark when none of these critics of Naz India and LCHAU questioned why strategic issues including the implications of filing the Navtej petition were not discussed by its team with the broader queer community before going ahead with the petition.

Fissures

What were the grouses that some queer activists had to the filing of the Naz India case? They were many. First, they believed that LCHAU and Naz India had no business to file it without consulting the broader queer activist community in India. Second, that HIV vulnerability being the basis on which the law was being challenged -- as violating the right to health -- by an HIV NGO was deeply problematic, a highly limited lens through which to claim queer emancipation. Third, that social change precipitates legal change and not the other way around. Given this, any proposed litigation needed to be conscious of social realities, and the India of then was not the right time. The critiques also pointed to the language in the petition being deeply flawed, including the use of terms such as ‘men who have sex with men’, the use of ‘private’ to qualify the sex that was being sought to be decriminalized, and the invisibility of lesbians and transgender people in the pleadings. Some voices even claimed that 377 was irrelevant to the lived realities of most queer people because it was rarely used, and whether or not it remained on the books would not change the ways in which queer people experienced hate, violence, or police highhandedness.

To be sure, there were legitimate counter views to each of these grievances that LCHAU and Naz India held. First, on consultation: it was far from clear who that should have included – the queer activists who were

internet connected, or part of organizations? What about those who lived and worked in remote contexts, or within informal collectives? And, what about the duty of lawyers to their client when a justifiable legal case was made out for litigation? Moreover, over the course of a year prior to the filing of the case the LCHAU team had indicated the possibility of such a filing at different queer meetings it had attended.⁷² Second, on HIV being the basis of challenging the law: a plain reading of the original petition makes it clear that the full array of legal arguments was made seeking the striking down of 377. The impact of HIV and the denial of the right to health was only one in that range of grounds. It was a wholly justifiable reason to demand decriminalization given the stealthy toll HIV was having on queer people (and it continues to have). Third, on social change leading to legal change, and not vice versa, LCHAU recognized it as a reasonable argument, while also recalling that instances could be cited of legal prescriptions by the courts that had precipitated changes in social attitudes, conduct and relations. Sexual harassment at the workplace, and environmental standards to curb vehicular pollution were two examples.⁷³ Indeed, as things transpired, unified activism around the litigation over the years did raise awareness and discussion in various segments of society on 377 and has often positively influenced perceptions of queerness, and the multiple relationships that queer people have with families, friends and colleagues. In those years, between the filing of the case in 2001 and the Delhi High Court judgment of 2009, social change efforts worked in tandem with a litigation strategy to transform conversation on sexual orientation and diversity issues in India.

Fourth, on the inappropriateness of language and of certain arguments: to begin with, as queer people our understandings of sexuality and gender identities is continually evolving. Consequently, a current reading of the terminology used in the Naz India petition reveals apparent flaws. Yet, in the early 2000s, some of this language

72 Having got its fingers burnt in the past – when it opposed the decision of the Indian Supreme Court taking away the right of HIV+ people to marry, thereby enraging some in the women’s movement who felt this was a positive judicial step to protect women – LCHAU was conscious that it needed to reassure potential adversaries that it would take care to account for their concerns before filing the case. To that end it held meetings with child rights groups in Delhi in 2000 – 377 was used in cases of child sexual abuse, the only law which covered such crimes in India then – to explain that it did not plan to seek the complete striking down of the law, but a ‘reading down’ of it to exclude only consensual sex between adults. The rightful concerns of children and their custodians would be thereby respected.

73 Through its ruling in Vishaka’s case (1997), brought by women’s groups claiming fundamental rights violations to equality, life and liberty, the Indian Supreme Court recognized that sexual harassment was a serious problem for women in the workplace, and laid down guidelines to govern the same, pending legislation, which was finally passed in the form of the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*. In the *MC Mehta v Union of India* case related to vehicular air pollution, the court passed directives since 1998 to regulate emission standards and ensure switching of vehicles to clean fuels over a phased period of time. Although these cases differed from the Naz India case to the extent that they did not seek striking down of an unconstitutional law, nonetheless they influenced stakeholders to introduce and enforce standards that protected fundamental rights, even if their implementation has left much to be desired.

as well as the logic of exclusion or inclusion in the text were adopted with full knowledge and after genuine deliberation on contemporary understandings. For example, the thinking was that since, as per the explanation in 377, ‘penetration was sufficient to constitute intercourse’ and since lesbians had not been subject to the law it was thought best not to draw attention to them. This caution could well have been subconsciously influenced by the raging and violent controversy that had been provoked by political parties on the release of the lesbian themed movie ‘Fire’ a few years prior. It could also have been influenced by the fact that some queer women’s groups had voiced that they did not view 377 as a priority in emancipation struggles. The critique that *hijras* were not mentioned in the petition is baffling even today. I can only imagine (but certainly not justify) that because the HIV response in 2000-01 framed ‘men who have sex with men’ as including *hijras* and other transgender women who were born biologically male, the phrase was used – albeit very problematically and inappropriately – as an umbrella term. Indeed, at that time any discussion on transgender people’s issues and rights happened mostly in the context of HIV.

Seeking the decriminalization of ‘private’ consensual sex between adults in the Naz India case seemed entirely reasonable at the time. But critiques justifiably pointed out that the use of ‘private’ was superfluous and inappropriate. After all, if the court issued a favorable decision to Naz India’s claims it would be patently understood that it was not permitting public consensual sex. More importantly, for many queer people, it was precisely in the public domain that their lives were constantly under stress, particularly on the streets. Therefore, ‘privacy’ should not have been cast in terms of a physical space, but rather as an essential part of personal autonomy. Indeed, it was with this latter understanding that the case was finally argued before the courts, certainly aided by the critiques that were made, and understandings that therefore evolved. And, it was on the basis of this understanding that the Delhi High Court imbued the notion of dignity to queer people, recognizing their personal agency (and privacy) to choose how they wanted to live their lives. This understanding of autonomy and privacy has been further emphatically articulated in the Indian Supreme Court’s 2017 judgment clarifying the fundamental right to privacy in *Justice KS Puttaswamy v Union of India* (in which the court essentially repudiated its own ruling of 2013 recriminalizing sodomy, effectively reviving the challenge to 377 that succeeded in September 2018). Moreover, this understanding of ‘privacy’ being about more than a spatial notion finds eloquent amplification in the 2018 Supreme Court judgment that finally decriminalized consensual same-sex sex between adults.

Finally, on the irrelevance of 377 on queer people’s lives: there was no claim ever made that its striking down would solve all problems for queer people. Yet, there was a strong belief that 377’s removal would be powerfully

symbolic, rein in abusive state and police action, advance the right to health, and be the first and necessary step in queer emancipation. Yet, this also came with an understanding that law itself, good or bad, was limited in its ability to effect positive change in marginalized contexts, and often failed to address complex issues of human behavior, and social and class dynamics. And indeed, the justice system was not structured to tackle nuances in identity, language or behavior. The case was not going to be a salve for all problems related to being queer, but a victory would be a huge fillip, and far from futile.

Although these critiques initially precipitated defensive posturing and insularity on my part, over time they encouraged me to contemplate whether there were ways to patch over the divisions that had emerged around the case and forge renewed alliances. This also led to the putting aside of ego and a move towards building bridges, while knowing that LCHAU served our client as lawyers should. Naively, the contours of the debate also led me to believe that the critique against Naz India filing the 377 case came from a genuine viewpoint that aspired to a collective notion of queer activism, informed by inclusiveness, accountability, and openness. That has unfortunately not proven to be the case. The way in which narratives have represented the goings-on in relation to the Naz India case has been painful viewing, and a great disservice to many involved in this work.

The documentation of this struggle that has occurred since the 2009 Delhi High Court judgment, has left out vital aspects of the journey, including why it became as energized and unifying as it did for a few years. These tellings reveal a failure to be inclusive, accountable or open, and betray how personal ambition, and first-to-the-publisher and documentarian zeal have failed queer folk in sustaining what could have been a true movement of sorts, and threaten the future possibility of such collectivization taking place. Confirming this trajectory, in 2018 more unaccountable and non-representative conduct revealed itself in the action of those involved in the Navtej petition who disingenuously held themselves out as pioneers representing the queer community – apparently the first gay people to approach the court (having conveniently erased the fact that queer people had filed affidavits before the courts a decade prior) and speaking on the queer community's behalf to fundraise without having ever interacted with it despite being invited to – and contriving a national and international media strategy of self-promotion on this basis.

Doing the right thing

Going back to the Naz India case, I must also recognize that critiques of it ultimately led to significant efforts being made to set aside differences and work in unison toward an effective legal and advocacy strategy in

support of the challenge to 377. Most vitally, it created an ecosystem of cooperation and a sense of united purpose in queer activist circles in India for a period of 5-6 years (2003-08) that had not existed prior (and was revived around the case in 2017-18). Those were difficult, critical, yet heart-warming times. They put paid to questions of representation (at least for a while), and for that brief period also gave a (false but valuable) sense that a queer ‘movement’ had emerged in India.

When the then government filed its affidavit in reply to Naz India’s petition in 2003 (almost two years after the case was filed), it was on expected lines – hostile, homophobic – but lacking in legal arguments. It created worry within the queer activist community, and was the moment when realization dawned that bridges needed to be built if we were to rid India of 377. It was from then that momentum gathered to set aside differences.

LCHAU reached out extensively to queer activist communities across the country through a series of meetings that were held over the next few years to engage them on the substance of the petition and court proceedings, the implications of the government response, the support and assistance that queer communities could provide in terms of data gathering and identifying experts from various disciplines – history, anthropology, mental health – and people in public life who would support the case through affidavits in court. These gatherings also discussed strategies for alliance building that queer folk could do with women’s movements, child rights movements, and trade unions, and the possibility of locating a person who had been directly affected by 377 to be willing to file a challenge as such. This method of arduous consultation, demystification of the law, and participatory strategic thinking proved effective in engaging the wider queer community in what was otherwise an arcane legal process. These meetings were held in cities across the country and were attended at their peak by 75 participants who arrived representing their various collectives and organizations. The discussions were diligently documented with minutes shared, including of the roles and responsibilities of various queer groups and individuals in following up on agreed courses of action. The sense of ownership and steadfastness that emerged was extraordinary to witness and be a part of. Participants represented a gamut of queerness – wealthy, lower caste, trans, *hijra*, men, *kothi*, upper caste, *aravanis*, women, or economically deprived.⁷⁴

74 Trans men, and trans women who did not identify as hijra or aravani were not present in these meetings – those identifying as the former were not visible at that point, and those identifying as the latter were not involved in political activism to the best of LCHAU’s knowledge.

To grasp the richness and flavor of the process reproduced are a few excerpts from minutes of these meetings:

In Mumbai on March 10th, 2004:⁷⁵

‘Suggestions were then made based on the idea of collecting affidavits – EM mentioned NIMHANS. AG felt it was possible to make them parties or ask for individual doctors or the institution to file an affidavit. VD mentioned that LCHAU has already been in dialogue with Dr. Shekhar Seshadri of NIMHANS in this regard. Also, in a meeting with Dr. Bharat Shah, psychiatrist at Leelavati Hospital, Mumbai he expressed interest in trying to identify other doctors and support efforts in the case. BK pointed out that all psychiatrists may not support the case. AG explained that it will be necessary to approach them tactfully.’

In Bangalore on June 13th, 2004:

‘EM pointed out that for kothis, because of S.377 they cannot complain about rape. Police would not treat such cases of sexual violence as such but as a crime under S.377. There is much violence against sexuality minorities but because of S.377 nothing can be done. AN raised the issue of harassment etc. and the question of a direct link with S.377 – there is always a link but it may not be so direct. Yet, if the link can be demonstrated it would be useful.’

In Mumbai on January 9th, 2005:

‘ARK said that over the last 4 years there had been a slow and steady change in the National AIDS Control Organization’s views on LGBT issues. But it was important that bisexual and lesbian groups also write to them to put pressure. The demand should be to direct Project Directors in State AIDS Control Societies to talk to commissioners of police and sensitize them.’

75 The minutes of all these community meetings were shared with a vast representation of queer activists and organizations in India by sending them to individually to participants, and also shared for the large membership on lgbt-india@yahoogroups.com, the then most-read queer activist list-serve in the country. They are now matters of public record (albeit anonymized out of abundant caution), and available on the Indian queer resource website [orinam](http://orinam.net/377/background-of-sec-377/community-effort-battle-against-s377/) at <http://orinam.net/377/background-of-sec-377/community-effort-battle-against-s377/>.

This last-mentioned meeting occurred at a nadir in the case's journey. The Delhi High Court had dismissed Naz India's case in late 2004 on the reasoning that as an NGO it lacked standing (*locus standi*) to approach the court, as it was not affected by a law that criminalized sexual conduct. The discussion at this meeting focused on collectively deciding whether an appeal should be made to the Indian Supreme Court for restoration of the case back to the Delhi High Court. There was great risk in going to the apex court – it could dismiss the case and that would be the end, or it could hear it itself (and not send it back to the Delhi High Court where Naz India would have an opportunity to be heard in the first instance, before approaching the Supreme Court in appeal if it lost). LCHAU explained the pros and cons, risks and rewards of the options available from a legalistic position so that all could get a well-rounded sense of the choices that lay ahead. It was palpable in that meeting that in the span of a year or so this had become everyone's case, not just Naz India's.

A turning point in this entire journey occurred for me soon after, when an activist from Tamil Nadu, supporting the view that Naz India should go to the Supreme Court, said that if that court threw the case out, he would march naked with his fellow *kothis* on the streets of his town, expressing his anger at a system which refused to recognize his fundamental personhood (I paraphrase). He was angry when he said it, and he expressed it with a kind of courage and determination that I had not seen before. It was an articulation of being fed up, and of not backing down. Queer folk were finding common cause, and with that they were also finding strength in comradeship and support across regions, contexts, classes and languages. I will never forget that moment, and what it symbolized there and then. Later, with much more distance I realized that the criticism of and hostility against Naz India and LCHAU, albeit unfounded, had paid dividends. It had undoubtedly provoked the efforts made by LCHAU to convene the community meetings. As a result, queer activist communities, LHCAU and Naz India rid themselves of intransigence, and began setting aside their myriad differences. LCHAU was coaxed into creating a process of unity and purpose that had already begun to ride on its own momentum. It must be said that although this was the largest queer-unifying process underway, queer groups were doing (and continue to do) much work at their local levels to build alliances of support outside the queer world. At critical moments of pressure when there was a need to organize public protests, media events etc., it was these efforts that galvanized and demonstrated a wide swathe of support for India's queers.

Then, in 2006, a 'community' petition was filed by Voices Against 377 (Voices), a coalition of queer, feminist, child rights and other organizations and collectives, to support the main Naz India petition. Based on discussions that had taken place during LCHAU's community consultations, it was felt that voices of queer groups and individuals would add strength to a case that originated from an HIV NGO, and mitigate any fears of locus standi challenges,

which the case had already endured. One would have fairly assumed that the bugbear of representation was mostly behind us. Yet, it was not, and to some extent justifiably so. Although coalitions like Voices in Delhi, Sangama in Bangalore, and LABIA in Mumbai had begun to build links with potential allies such as women's movement constituents, trade unions, and child rights groups, articulations of the intersectionality of sexuality rights with other claims of empowerment and de-marginalization were still nascent and only then beginning to take shape. Therefore, indeed, historic Dalit oppression was not a prism through which the complexity of sexuality rights claims were being then viewed in the context of 377.

I would suggest that from LCHAU's perspective this was for a few reasons that did not include, however, any aversion to engage on these aspects. Mainly, as lawyers we are trained to look at rights claims in silos: litigation was not imagined as a tool through which the inter-linkages between caste and sexuality marginalization could be articulated. Given this, there was blindness to these complexities. Moreover, the community consultations that took place were focused squarely on the court case and the queer community's support of it; they were not opportunities for discussions on larger questions of intersectionality. That these discussions did not occur is undoubtedly true due to time constraints, limited understandings and a focus on litigation strategies. Undoubtedly too, 'representation' was robust but never ideal despite best efforts: community discussions on the case were yet to yield ways to understand queerness in the contexts of other marginalization such as disability, caste, economic or religion. Queer activism in India today still struggles with this, as it does with class privilege, which has been manifest in the manner the Navtej petition was filed in 2016 by five "highly accomplished" and "prominent members of the LGBT community", an attempt at using class privilege to appeal to the most cynical instincts of a judiciary that is widely considered to be inaccessible to the common Indian. Moreover, in terms of the law, English is the language of the courts and this privileges some of us to engage with the law over others. Whether any sense of ideal representation can ever be achieved in voicing queer concerns in a highly kaleidoscopic environment such as India is debatable.

Dénouement

Unfortunately, over time the imperfect yet unique participatory process that was galvanized in the mid-2000s did not sustain. The Voices petition in the case could have been the fulcrum around which community energy was maintained and built, yet this did not occur. Fatigue and sanguinity after the success of the Delhi High Court judgment in 2009 may have had something to do with this, even though new anti-queer forces revealed themselves in the form of the full array of religious and other bigots appealing this verdict in the Supreme

Court. Discussions in the context of the LCHAU meetings with the broader queer community did not take place between 2009 and the hearing of the appeal in the Supreme Court in 2012.⁷⁶ To reinvigorate a participatory process, Lawyers Collective revived these meetings in 2017 (to which the Navtej petition petitioners and their lawyers were invited, but declined to attend or never replied). Before then, the case became privy to a few queer activists and lawyers who were focused on generating supporting interventions from parents of queer people, mental health professionals and academics. Since the Supreme Court's mischievous judgment of 2013, which re-criminalized queer people by setting aside the Delhi High Court judgment of 2009 and upholding 377, a distinct lowness of morale undoubtedly contributed to the lack of energy.

It has also been said that queer activism had begun to move beyond the law as a site for engagement and that may have had something to do with the activist world losing steam in rallying around the case. The latter is not borne out by my interactions with many in queer activist circles. On the contrary, the need to contest State interference and State-surrogate violence through the law are considered more important than ever by many in present day India, which is witnessing vigilante justice and majoritarian zeal with unnerving frequency.

As for fatigue and low morale, these are certainly factors, but a sense of rudderlessness after 2009 was also a reason that contributed to a collapse of this process of unity and consensus. Indeed, LCHAU was well placed to bring sometimes very disparate queer voices to the table to find common cause – despite being a non-queer organization (a feature that had been highly criticized by some within the queer community). This ability to convene may have had something to do with the wide reach LCHAU had within the HIV world where much of the men who have sex with men-related work and activism did happen. An unhealthy suspicion of HIV-focused, donor-driven NGOs may also have contributed to an unhinging of tenuous yet workable alliances. Those who did not work on HIV failed to understand the impact the epidemic was having on queer people. It was an invisible impact (and continues to be) because it was more rife in non-identifying queer men and *hijras* who were often economically disadvantaged.

Non-participation became an even more serious issue as the Naz India case travelled from the high of victory in 2009 to the low of re-criminalization in 2013, and onwards through to the process of the curative petition, and fresh petitions filed in 2016. While the momentum and ownership that was built toward the Delhi High

⁷⁶ Apart from the patent perversity of the Supreme Court judgment in *SK Koushal v Naz Foundation*, it is important to note that although the case was argued in March 2012, the Supreme Court issued its judgment only in December 2013, on the last day of the tenure of the judge who passed it.

Court hearings over the previous many years saw a courtroom full of eager queer folk listening daily to the proceedings and feeling this was their case as much as Naz India's or LCHAU's, only a handful of folk were present during the Supreme Court arguments to show solidarity with the efforts of the lawyers. Although I was away from India between 2009 and 2014 (except when I was in Delhi to follow the Supreme Court hearings in 2012 in the courtroom), on returning it became apparent that queer activism had splintered in ways that persist. Some of these fissures existed prior to the 377 case, which only patched things over and became common cause for a dissonant lot of actors.

Broad-based national consultation and an inclusive discursive approach did not occur after 2008, until discussions were revived in 2017. On the contrary, the case in the Supreme Court had become one that many queer people felt distant from, now the domain of some lawyers and a few in the queer community. Some of these critics had been part of discussions through the 2000s. Others were younger and did not see themselves necessarily as 'activist' but desired to contribute or participate in some way to the removal of 377. The latter also had no idea that a participatory process of discussion and ownership existed in the build-up to the Delhi High Court judgment. That has led me to believe that as a queer community we do ourselves a great disservice by telling our own histories inaccurately and incompletely. Indeed, this apathy towards representing things as they have happened created fertile ground for those involved in the Navtej petition to create fictions promoting how they were the pioneers who led the way to queer emancipation, and to act unilaterally despite commitments to collaborate, while all the time disregarding the larger discursive process in the queer community that preceded their efforts against 377.

Erasure or tardiness in documentation does not lend itself to learning from the past, or being honest and ethical for the future. A holistic history that is thoroughly researched and of multiple perspectives can be instructive in demonstrating the possibilities of collectivization in increasingly fissured contexts, even if it is void of charismatic individuals. For a process that for a time had been propelled by real efforts to ensure participation and inclusion, it has been disheartening to see the way in which attempts to document it have taken place. PhD theses have been written about this journey and documentary films have been made. Many of these come with their slants and shoddiness. As a result they often fail to capture the multiple voices that engaged in this journey from their respective positions. In the most egregious instances some even feature people who had nothing to do with the struggle for decriminalization, while others who tried to subvert the litigation are portrayed as champions.

Celebration of the Delhi High Court ruling occurred in many parts of the world; I have witnessed it abroad in

queer activist communities, in academic institutions and in multilateral organizations. Yet, I have also witnessed and been told of the ways – astonishing and disingenuous at best – in which individuals and institutions have attributed success to themselves, in a process that was nothing if not collective. Sometimes success has been attributed without any basis to larger extraneous forces. While I was on a panel speaking about the Naz India case at Yale University in 2010, I heard a co-panelist say that the Delhi High Court judgment was ‘culturally inevitable’ – after all hit Hindi films such as ‘Dostana’ (premised on two Indian men *pretending to be gay in Florida*) had begun to positively represent queer lives. George Chauncey was in the audience that day. I wondered what he thought of this preposterous thesis, as a historian of queerness. Less gravely, I watched aghast around the same time when Oprah Winfrey was told that she had been responsible for the 2009 decriminalization due.

When waters are muddied in the telling of our histories, it cannot bode well for the future; and when a community is not rigorous in recognizing the deficiencies in its conduct, chances are that honesty and accountability will fall by the wayside in its actions down the road. With a few queer activists involved in the Naz India and related cases that I have spoken to, the impression is of an ‘each-one-for-himself’ attitude, instead of viewing that documentation of the case’s history is integral to being at the vanguard of an activism of principle, informed participation, accuracy of attribution and transparency – some of the very expectations that were raised of LCHAU and Naz India early on.

It is in this void that other disconcerting developments occurred in the recent past: as part of its foreign policy designs in 2015, under Barack Obama, the US Embassy in Delhi put out a call for applications to support ‘the development of a nationwide network focused on supporting the LGBT Community’. Before that, in 2014, the World Bank undertook an unsolicited study on the ‘Economic Costs of Homophobia’ in India. From within India, in early 2015 a Facebook campaign plea was made to Obama when he visited India to make the case for decriminalization of all LGBT Indians (presumptuously on all our behalfs) to Narendra Modi. It was supported and emulated by a US-based international NGO, which has deeply troubling views on sex work – conflating it with trafficking, and against which it wants laws in India ramped up – and is obviously ignorant of the fact that some queer people in India are sex workers, and female sex worker organizations have been allies in the struggle to strike down 377. Moreover, this plea was made to the head of a government that turns the screws on some of the very queer people whose emancipation was being pleaded, through severe pressure tactics utilized by the US Trade Representative and hand-in-gloves big pharma to ensure that all kinds of extra-legal hurdles such as free trade agreements are promoted to deny access to affordable AIDS medication by needy Indian queers. It should be said that we have been scrupulous in India to avoid getting allies abroad to speak on our

behalfs on the 377 case – given the fertile ground this would otherwise create for ‘foreign’ agenda allegations to emanate – to maintain a homegrown initiative. Well-meaning gestures of assistance – to file interventions as international experts in the case, or to stir international campaigns to castigate the Indian government on occasion – have been kept at bay. In the case of the US government it becomes even more ludicrous to seek assistance of any kind given its aforementioned hypocrisies.

As the 377 case meandered through the judiciary over 17 years, India has leapt towards capitalism, and in this emerging India there is increasingly a new (or more visible) breed of queer activists, who are not particularly ‘political’ when it comes to making rights claims. For them, economic arguments for queer emancipation are perfectly legitimate in the hyper-capitalist India where they have come of age, and Obama’s model of ‘LGBT rights’ as foreign policy is not only kosher, but to be welcomed. Again, most of them have no knowledge of the community process that led to the striking down of 377 by the Delhi High Court in 2009. As mentioned earlier, the Navtej petition was filed in mid-2016 unbeknownst to the queer activist world – a fresh case challenging 377 in the Indian Supreme Court, aided by queer lawyers already involved in interventions supporting the Naz India proceedings in court. The victory in September 2018 that led to the striking down of 377 has been orchestrated in media to lionize these petitioners and their lawyers, representing the journey to fight 377 in a manner that is unrecognizable to many who have been involved in the long run, and contrary to its fundamentally participatory nature. Rarely has a struggle for justice fought by so many been contrived to showcase the deeds of so few.

Understanding ‘what these Ithakas mean’

India is morphing in ways and at a pace that is unprecedented. Obviously, this is also reflected in queer sections of society. In this tumult there are ways in which society is being cleaved that are apparent and insidious. Among those is how privileged urban Indians are able to live having very little engagement with the ‘wrong side of the tracks’ or with non-conformism and diversity. Delhi is an interesting illustration, where the slums are hidden from view, and one only sees gated communities while riding through the avenues. Mumbai, which was never like that, is allowing these dynamics to enter its landscape – increasingly cloistered high rises, and little understanding or respect for the deprived or the different. Homogenization is increasingly encouraged in political rhetoric, popular culture, and in institutions. To make a generalization, the privileged are deeply ashamed of the wrong side of the tracks and often frustrated that India is portrayed as such in media. All this is occurring with a sense of entitlement that is honed in one of the most classist human contexts.

Class has always caused a rupture in queer India, and the lack of grappling with it and its discontents now is stock. The US (or a deeply flawed image of it) is considered an ideal by some, because it is the economic powerhouse that it is. And for the 'haves', many of whom have arrived there after stultification in so-called socialist India, unhinged capitalism is the ultimate emancipator, not justice or the Constitution (which dangerously few seem to have any idea of), or the welfare state. Lack of faith in the court system is not particularly surprising – it is hugely under-resourced, inefficient and remote. Yet, the higher court system is the only public institution that functions above par and is not lined with criminals to the extent of the executive or the legislature. The non-profit sector (NGOs) has been demonized – as unaccountable and against national interest – by the government, a notion that is permeating larger society.

In this context, annual battles are fought online in the queer world to keep the private sector at bay from swamping queer Pride marches as they have on 5th Avenue. Concurrently, the homogeneity of homosexuals is vocalized by many without compunction – desire for the 'straight acting', the 'masculine', and phobia against the effete, the trans. Online discussions announcing Pune Pride 2017 were shocking in their demand for conformity, non-flamboyance and regimental discipline. Queer activism continues to be determined by the 'haves', and often portrayed in media as a struggle that comprises only of elites (where I am certainly located). It is hard to imagine what the 377 case would have looked like if it were to be initiated today – possibly just like the privilege-reeking Navtej petition of 2016 vintage. In a far more divided, yet more diverse queer India, representativeness, inclusion and accountability would likely be low priorities.

Yet, the journey of the Naz India case has left behind much, including how the possibilities of a movement can create hope, how unity in difficult contexts can be of immense strength, and how understanding one's battles in relation to other marginalizations is vital to create a freer and more egalitarian society. There have been other consequences – while recriminalization by the Supreme Court in 2013 appeared to have seen the increased use of 377 against adults – to threaten them, or against closeted gay men by their wives, for instance – it also led to more people coming out, which has sustained and likely increased with the victory in 2018.

These have been some of the many upshots and downsides of the case. It has instilled in me the great value of inclusiveness and transparency in efforts at social change. Yet is much of the work related to human emancipation possibly simply a matter of serendipity, of kismet and timing – that things happen as they do at a certain moment when crisis brings collectivization, when a moment in the politics of a place allows for such coming together which sustains for a while, and dissolves as remarkably? And, is individual ambition and personal gain so inherent to human effort that collective action is eventually bound to fragment? Maybe a

'movement', if it has to happen cannot be leaderless and requires to be driven by personalities. I certainly do not claim to have answers to any of what I have ruminated on over the years, and shared here. But there is success just in the trying.

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Gloria Careaga and Mario Pecheny

Gloria Careaga is a professor in Social Psychology at the Autonomous University of Mexico (Faculty of Psychology). She is a co-founder of the UNAM’s Gender Studies University Program (PUEG), where she was Academic Secretary from 1992 to 2004 and coordinated the Area of Sexuality Studies (2015-2017). Her areas of interest are human rights, population, development and sexuality at national and international levels. She has developed studies at the Golda Meir Center in Israel and at an academic internships at University of Costa Rica. She is an active member of the feminist and LGBTI movements. Between 2008 and 2014, she was the co-Secretary General of ILGA and, since 2002, she is a member of SPW Steering Committee. She has been honored with the Omecíhuatl Medal of the Mexico DF Women’s Institute and the Hermelinda Galindo Award from the Human Rights Commission of Mexico DF for her work in favor of human rights.

Mario Pecheny is PhD in Political Science from the University of Paris III. Currently, he is Professor of Political Science and Sociology of Health at the University of Buenos Aires and a Researcher at the National Council of Science and Technology (CONICET) at the Institute Gino Germani, in Argentina. He has extensively researched and published on health, sexuality, human rights and politics in Latin America and other regions. His main books on sexuality are: *The Politics of Sexuality in Latin America* (edited with Javier Corrales, University of Pittsburgh Press, 2010), *Todo sexo es político* (edited with Carlos Figari and Daniel Jones, Del Zorzal, 2008), *Estudio nacional sobre la situación social de las personas viviendo con VIH en la Argentina* (with Hernan Manzelli, UBATEC, 2008), *Argentina: Sexualidad y derechos humanos* (with Monica Petracci, CEDES-CLAM, 2007). He was awarded with the National Prize “Bernardo Houssay” as a Researcher in Social Sciences, by the Ministry of Science and Technology (Argentina).

Huang Yingying

Huang Yingying is associate professor of Sociology Department, director of Institute of Sexuality and Gender, Renmin University of China. Her work bases in China and research focuses on FSWs, male clients, women's body and sexuality, social aspects of HIV/AIDS. She is the author of the book *Body, Sexuality and Xinggan (sexiness): Study on Chinese Women's Daily Lives*, coauthor of *The changes of sexuality in China: Chinese people's sexual life in 21st century*, and several publications on sex work and women's body and social science research on HIV/AIDS in China since 1999. Her recent research projects include: the emerging grassroots groups of female sex workers in China; the rise of sex and sexuality studies since 1980s; exploratory research on sexuality among PLWHA women in China; and partnership for Social Science Research on HIV/AIDS in China. Dr. Huang is also one of the key sponsors of biannual international conference on Sexualities in China & National workshop on sexuality research in China, both of which started in 2007.

Varyanne Sika and Awino Okech

Varyanne Sika is a feminist researcher, writer and editor currently managing research and knowledge at the Coalition of African lesbians.

Awino Okech is a Kenyan academic, based at the University of London's School of Oriental and African Studies, where her teaching and research interests lies in the nexus between gender, sexuality and nation/state making projects as they occur in conflict and post-conflict societies. Both authors wrote this for the Coalition of African Lesbian's participation in this publication.

Vivek Divan

Vivek Divan is qualified in the law and queerness. He graduated in law from National Law School of India University, Bangalore and received his LL.M. from Cornell University. He served on the Secretariat of the Global Commission on HIV & the Law (2009-12) and as Senior Advisor on HIV at the Royal Tropical Institute, Amsterdam (2008-09). From 2012-14 he was the Policy Specialist for Key Populations and Access to Justice at UNDP's HIV, Health and Development Group in New York, USA. Originally from Bombay, he began working extensively on issues of HIV, access to justice, queer people, law and human rights as Coordinator of Lawyers

Collective HIV/AIDS Unit in India (2000-2007), where he oversaw and was involved in the legal aid, advocacy, research. He was centrally involved in the public interest litigation related to Section 377 of the Indian Penal Code, India's anti-sodomy law, including legal research and strategy, and leading wide-ranging community mobilization around the case.

Yana Kirey-Sitnicova and Anna Kirey

Yana Kirey-Sitnicova is a trans activists from Russia.

Anna Kirey is a Deputy Director for Campaigns for Eastern Europe and Central Asia at Amnesty International. Previously Anna was a senior program officer at Open Society Foundations focusing on trans and intersex rights. Before OSF Anna was a researcher at Human Rights Watch focusing on LGBT issues in Eastern Europe and Central Asia. She is also a founding member of Labrys, one of Central Asia's largest LGBT organizations founded in 2004 in Bishkek, Kyrgyzstan. Anna, who was born in Russia and grew up in Ukraine, attended Bishkek's American University of Central Asia and has since received a Master's in Russian and East European Studies at University of North Carolina, Chapel Hill, United States and another Master Degree at the University for Peace in Ciudad Colon, Costa Rica.

Editors

Richard Parker

Richard Parker is Professor Emeritus of Sociomedical Sciences and Anthropology and a member of the Committee on Global Thought at Columbia University in New York City in the USA. He is also the Director and President of the Brazilian Interdisciplinary AIDS Association (ABIA), one of the leading non- governmental AIDS organizations in Brazil (as well as the founder and Co-Chair of Sexuality Policy Watch, a global coalition of researchers, policymakers and activists from a wide range of countries and regions with secretariat offices in Rio de Janeiro and New York City the founder and Chair of Global AIDS Policy Watch, a knowledge network and policy watchdog initiative focusing on the global HIV epidemic. He is the Editor-in-Chief of the journal, *Global Public Health*, published by Routledge, and is currently Senior Visiting Professor in the Institute of Collective Health at the Federal University of Rio de Janeiro (IESC/UFRJ).

Sonia Corrêa

Since the late 1970's Sonia Corrêa has been involved in research and advocacy activities related to gender equality, health and sexuality. She is a research associate at the Brazilian Interdisciplinary Association for AIDS, in Rio de Janeiro. Since 2002, with Richard Parker, she co-chairs Sexuality Policy Watch (SPW). She has extensively published in Portuguese and English. This list includes, among other, *Population and Reproductive Rights: Feminist Perspectives from the South* (Zed Books, 1994) and *Sexuality, Health and Human Rights* co-authored with Richard Parker and Rosalind Petchesky (Routledge, 2008). In 2016-2017 she was a visiting professor at the Gender Department of the London School of Economics and is one of the editors of the Palgrave book series *Global Queer Politics*.

Copy Editor

Seona Smiles

Seona Smiles is a consultant, editor and journalist based in Fiji, with long experience in the global South, particularly the Pacific Islands region. She has a postgraduate qualification in Pacific Media and has worked in communications and on projects for a number of regional and international organizations including DAWN (Development Alternatives with Women for a New era). She is a feminist and strong supporter of the women's movement in Fiji since its beginnings in the early 1970s.