



SEXUALITY
POLICY
WATCH

Interrogating 'Sexualities' at Beijing+10

by Angela Collet

SPW Working Papers, No. 3, March 2006

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The Sexuality Policy Watch was constituted in 2002 as the *International Working Group on Sexuality and Social Policy (IWGSSP)*. In the last four years SPW has been engaged in research and political activism and has been able to produce a series of policy analyses as well as other materials. In August 2006 we met in Toronto to assess and share the outcomes of our main policy research activities. We decided to change the name of the initiative as to more precisely project the image of who we are and what we do.

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*by Angela Collet*¹

Table of Contents

Introduction.....	04
Ten years after Cairo and Beijing: no time to rest on our laurels.....	04
A bird’s eye view of sexuality in CSW 2005.....	06
First week: the “new rights” polemics.....	06
Second week: skirmishes at multiple fronts.....	08
A. The HIV/AIDS Resolution.....	09
B. Trafficking and prostitution.....	10
C. Economic advancement of women.....	13
Overlapping trade-offs.....	14
Confusion and contradiction “within”	16
A. Contradictions amongst State actors.....	16
B. Amongst civil society actors.....	18
B.1. Trafficking and prostitution.....	18
B.2. Identities politics.....	19
B.3. What to do about men?	21
Though much has been done, much yet remains to be processed.....	22
References.....	24
Annex.....	26
Notes.....	27

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INTRODUCTION

"The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behavior and its consequences".

§96, Beijing Platform for Action (BPFA, 1995)

What exactly are *sexual rights*? What meaning do these rights hold within the Sexual and Reproductive Health and Rights (S&RH&R) framework? How are terms like *sexuality* and *sexualities* understood and employed? How are *sexual rights* implemented in national and international policies? Why have sexuality- and sexual rights-related issues constantly been a controversial issue that is more than often subject to "trade offs" in international arenas where government negotiate policy documents?

Between June 2004 and February 2005, I had the opportunity to follow the Beijing +10,² the Latin American and Caribbean Review (The Ninth Regional Conference on Women in Latin America and the Caribbean, Mexico DF, 2004) and the 49^o session of the United Nations Commission on the Status of Women (CSW, New York City, 2005). In the context of these sequential and cumulative negotiations I have been exposed to the complex controversies that plague UN debates on sexual rights. This article examines the contentious nature of sexualities and sexual health and rights debates throughout the *Beijing+10 Reviews*, with particular attention to the 49th Session of the Commission on the Status of Women, as well as the role played by civil society organizations in these difficult processes of negotiations.

TEN YEARS AFTER CAIRO AND BEIJING: NO TIME TO REST ON OUR LAURELS

The *International Conference on Population and Development* (ICPD), in 1994, and the *IV World Conference on Women* (Beijing), in 1995, started off a contentious, hard-fought, however seminal, process of legitimizing sexual and reproductive health and rights. The notion of sexual health was legitimized in the Cairo Program of Action. In the midst of harsh negotiations and of many brackets placed on the term, 'sexual rights' was written, for the first time, in a United Nations inter-governmental document. (Careaga, G. & Correa, S. 2004). This was a main breakthrough for the global debates on sexuality and human rights, even if the term "sexual rights" was not retained in the final ICPD Program of Action. However, matters concerning sexuality in the context of the relation between women and men were openly and strongly addressed in paragraph 7.34, which read as follows:

§7.34: "Human sexuality and gender relations are closely interrelated and together affect the ability of men and women to achieve and maintain sexual health and manage their reproductive lives. Equal relationships between men and women in matters of sexual relations and reproduction, including full respect for the physical integrity of the human body, require mutual respect and willingness to accept responsibility for the consequences of sexual behavior. Responsible sexual behavior, sensitivity and equity in gender relations, particularly when instilled during the formative years, enhance and promote

respectful and harmonious partnerships between men and women". International Conference on Population and Development, Programme of Action (UN-1994)

One year later, despite much controversy, in Beijing, paragraph 96 of the Platform for Action - quoted in the epigrapher of this article - defined the human rights of women in relation to sexual matters. Since then, as analyzed by Petchesky (2005:27) much progress has occurred in terms of further defining and legitimizing sexual rights:

*"although the phrase "sexual rights" does not appear in any formal UN document or multilateral or bilateral treaty, the Beijing Platform began to articulate such a concept in Paragraph 96 [mentioned above]. The Beijing Platform for Action, together with the Vienna, Cairo, and Copenhagen conferences and their outcome documents five and ten years later, carved out a new normative and conceptual terrain—the rights of the body and bodily integrity*³.

Civil society initiatives, such as the HERA (Health, Empowerment, Rights and Accountability) group – an international group of women's and human rights activists that worked together to ensure implementation of the agreements reached at the Cairo, 1994; Beijing, 1995; and the five-year reviews processes – have contributed in important ways to the effort of defining "sexual rights"⁴. Another important achievement in terms of defining and legitimizing these rights can be identified in the 2002 World Health Organization (WHO) *working definition*⁵:

"Sexual rights embrace human rights that are already recognized in national laws, international human rights documents and other consensus statements. They include the right of all persons, free of coercion, discrimination and violence, to: the highest attainable standard of sexual health, including access to sexual and reproductive health care services; seek, receive and impart information related to sexuality; sexuality education; respect for bodily integrity; choose their partner; decide to be sexually active or not; consensual sexual relations; consensual marriage; decide whether or not, and when, to have children; and pursue a satisfying, safe and pleasurable sexual life."

Specifically in the context of Beijing plus Ten it is also critical to note that the term "sexual rights" was incorporated in the Mexico Consensus⁶, the final declaration of the 10th Latin American and Caribbean Regional Conference on Women. Most principally, it is important to recognize that in many national settings relevant legal and policies reforms are underway, which ground the meaning of definitions adopted ten years ago at the global level, in the case of "... *gays and lesbians winning full civil rights, including the right to marry and form a family, in countries like Belgium, the Netherlands, Spain, Canada and South Africa*" (Petchesky. 2005:27).

However, since 2000 when the Beijing Platform for Action was submitted to a Five Years Review and most particularly after 2001 – when the Bush administration was elected and 9/11 occurred – many obstacles have surged in this landscape. For instance, in Afghanistan, though women are reported "*freed*" from the shrouds of burkas during the Taliban regime, they are reportedly still unwilling to uncover for fear of violence and derision. And some young women that who have tried to escape forced marriages have ended up imprisoned⁷. More recently, as Turkey negotiated accession to the European Union, Turkish feminists were engaged in a campaign to decriminalize adultery and eliminate the

sodomy crime from the existing penal code. While the Campaign *was successful in the first case -- adultery no longer implies criminal penalty -- they failed in the latter, the sodomy law still stands, even if provisions used against sexual minorities have been weakened*⁸ (Rothschild, 2005:7)

To summarize, many challenges and barriers remain to be overcome in the realm of sexual politics. As analyzed by Petchesky: “In many countries and communities, still, to speak openly of women's right to pursue varied sexual pleasures is to invite the closing down of your organization, ostracization of its members, verbal and physical attack, and even death. The spiral of resistance is still, as always, constrained by power; and these power dynamics are reproduced in the souls of all of us, however radical our vision. In this political context, to begin to speak of sexual rights, even tentatively, is a big step”. Given past and current gains and, most principally, in light of the challenges posed by the current geopolitical hostility towards sexuality, much conceptual and advocacy work needs to be developed to ground a widespread political policy legitimacy of sexual right and related policy issues. This article aims to share the difficulties and gains faced in the Beijing+10 process, as a contribution to these future conceptual reflections and advocacy strategies.

A BIRD’S EYE VIEW OF SEXUALITY IN CSW 2005

It is no surprise that sexual and reproductive health and rights-related issues became subject to much confusion and controversy at the Beijing +10 Review. Tensions and disputes followed, by and large the same patterns observed over the past decade in major UN-sponsored international conferences and in the regional preparatory meetings leading up to these conferences (Sen and Corrêa, 1999, Girard, 2000). Since the early 2000’s in each and every global negotiation in which sexuality was at stake, the alliance of the right-wing encompassing the US Administration, the Holy See, and the Organization of Islamic Conferences (OIC) has systematically mobilized strong opposition to the S&RH&R agenda. At the CSW 2005 this would be translated in two weeks of extremely complex and difficult negotiations.

First week: the “new rights” polemics

During 2004, pressures and efforts have been made by women’s global networks and Beijing friendly countries to avoid, in 2005, a full fledged negotiation of the content of the 1995 Platform of Action. These positions were based on a strategic analysis that in the present scenario the growing pressure of global conservative actors would threaten the consensus then achieved.⁹ The decision was therefore taken by the United Nations that the Ten Years of Beijing (Beijing +10) would be celebrated in a regular session of the Commission for the Status of Women, which meets every year for two weeks in New York. As the preparations for the 49th CSW session evolved, it became clear that despite efforts aimed at preventing full fledged negotiations, it would be impossible to avoid the adoption of a political declaration. Some countries, particularly from Africa, made clear they wanted an outcome and in the UN negotiations, outcomes always mean a “negotiated paper”.

Originally, the 49th Session of the CSW was designed in a manner that would allow for Member States to present and discuss country experiences of implementing the Beijing Platform of Action (BPFA). However, during the first week of the session instead of devoting

attention to assess progress made since 1995, delegations would be exclusively engaged in the discussions and tensions regarding the adoption of this *Political Declaration (Annex I)*¹⁰. It must be said as well that as to prevent excessive controversies, the CSW Bureau¹¹ had presented a declaration draft that did not go beyond the mere reaffirmation of the BPFA. The draft text of the political declaration was considered weak by some feminist networks, principally because it did not even mention *women's human rights* - a disappointingly "big gap, taking into account the big advancements of Vienna, Cairo and Beijing conferences" (Corrêa, 2005).

Despite this caution, from day one of the negotiation the United States openly attacked the draft, requesting the inclusion of new language aimed at preventing "*the creation of new rights*". To the original formulation of the Paragraph 1 of the Declaration -- "Reaffirm the Beijing Declaration and Platform for Action Adopted at the Fourth World Conference on Women and the outcome of the 23rd Special Session of the GA." -- the US proposed that the following phrase was inserted: "...while reaffirming that they do not create any new international human rights, and that they do not include the right to abortion." What lurked behind this amendment was a semantic strategy to prevent that BPFA definitions could be interpreted as providing ground for abortion rights, same sex marriage and use of condoms to prevent HIV/AIDS, and other sexual and reproductive rights.

This strategy has taken progressive countries and civil society actors, somehow, by surprise. In 2005, instead of openly fighting to exclude or oppose the inclusion of S&RH&R language the US adopted a different formula, aimed at frontally disqualifying the conceptual foundations that provide the grounds for enlarging existing human rights principles as to address aspects relating to sexual and reproductive self-determination. This vague contestation of "new rights" was interpreted by feminists present at CSW as a coded attack on sexual and reproductive rights at large. The US strategy had, however as its main target the US domestic audience. The blocking of the negotiation was captured by the mainstream media and this made clear to the American supporters of the Bush administration that it remained strongly committed to fight abortion rights, condoms, same sex marriage and other related S&RH&R issues.

This US insidious strategy was quite efficient in terms of consuming precious time of delegates. During the entire first week of the CSW, delegations and civil society representatives "*became hostage to the American amendment*" (Correa, 2005). Government delegations and civil society participants were forced to spend their time reacting to and opposing the US efforts, "...and, naturally, there was a big fear that some conservative countries would decide to support the American text (*ibid*). But after the message had been effectively sent to the American society, the US delegation made a public statement saying that "*in order to facilitate the process*" they had decided to "*drop the proposed amendment*". Though this was a clear evidence that until then the US was simply manipulating the process, this public statement was widely appraised by the US media and even by some delegations. But this would not be the end. After the Declaration has been finally adopted, the US made a *statement in explanation of position* which would become another occasion to express its moral conservatism:

"we [the US] have heard no delegation disagree with our interpretation. In addition, we appreciate your own assertion that the Beijing documents should not be seen as creating any new human rights.. This week we heard an international consensus on this point, which is useful to clarifying the intent and purpose of Beijing. Based on consultations with States, we further understand that States do not understand the outcome documents of the Beijing Conference and the five-year review of the Beijing Conference to constitute support,

endorsement or promotion of abortion. Our reaffirmation of the goals, objectives and commitments of these documents does not constitute a change in the position of the United States with respect to treaties we have not ratified. [...] The United States understands that there is international consensus that the terms reproductive health services and reproductive rights do not include abortion or constitute support, endorsement, or promotion of abortion or the use of abortifacients.” (United Nations/CSW1.a:109)

However, at that stage the media was not so attentive anymore. Consequently was projected and remained fixed in the imagination of the general public the initial image of US being flexible in the negotiations. In line with the US position, the Holy See also expressed reservations in the final declaration, remarking that: *“With respect to the recently adopted declaration, the Holy See would have preferred a clearer statement emphasizing that the Beijing documents cannot be interpreted as creating new human rights, including a right to abortion.”* (ibid: 108). Costa Rica reinforced the same line of thinking by stating that: *“all its international commitments should be viewed within the framework of its human rights position and its stated belief in the primacy and inviolability of the right to life. [...] Consequently, in accordance with the reservation submitted by Costa Rica to the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women, in 1995, we reaffirm that no reference to sexual or reproductive rights can be interpreted, under any circumstances whatsoever, as including the possibility of abortion”* (ibid:114).

In reaction to these regressive positions the representative of New Zealand, on behalf of Australia, Canada and New Zealand, asked for the floor to make a statement that stated the following: *“Ten years ago we adopted the Beijing Platform for Action as the international community’s policy framework to implement those rights. The Platform for Action was built on the consensus of all Member States. The foundations of that consensus were strong, and today’s reaffirmation demonstrates that the Platform for Action has stood the test of time and continues to be the cornerstone of our policies to realize women’s human rights. [...]The text of Beijing is unequivocally clear, and we do not agree that certain words and phrases in it have hidden meanings.”* (ibid: 116)

Though the adoption of the Political Declaration was a relief, the US and its allies were successful in impeding productive discussions on implementation and pushing progressive actors towards a defensive position. By the end of the first week, feminist organizations and friendly countries were already exhausted, while the hard work, in particular for those working on S&RH&R issues, was just only beginning.

Second Week: Skirmishes at Multiple Fronts

The second week of the CSW was devoted to the negotiation and adoption of ten different thematic resolutions¹². Three of them were particularly relevant in relation to sexual and reproductive matters: the resolution on *Women, the Child and HIV/AIDS* presented by Mauritius, on behalf of SADC (Southern African Development Community); the resolutions on *Eliminating Demand for Trafficked Women and Girls for all forms of Exploitation* and on *“Economic Advancement for Women”*. The later two were presented by the US The processes concerning the negotiation of these texts will be briefly analyzed in the subsequent sections.

A. The HIV/AIDS Resolution

The resolution on *Women, the child and HIV/AIDS* was presented by Mauritius. It was not a new text, as it has been discussed each year ever since the 45th session of the CSW¹³, held in 2001. In 2005 CSW debates, an agreement was made by member countries that the discussion of text would remain limited to procedural aspects, while content deliberations were postponed to 2006, which was when the five years review of the United Nations General Assembly Special Session on HIV/AIDS would take place.

The draft called on governments to “*intensify efforts to eliminate all forms of discrimination against women and girls in relation to HIV/AIDS, including through challenging stereotypes, stigmatization, discriminatory attitudes and gender inequalities and to encourage the active involvement of men and boys in this regard*”. It also stresses that “*gender equality and the empowerment of women and girls are fundamental elements in the reduction of their vulnerability to HIV/AIDS*”. It also encourages the design and implementation of programmes to enable men, including young men, to adopt safe and responsible sexual and reproductive behaviour and to use effective methods to prevent the spread of HIV/AIDS” (ibid: 9-12)

The contents of the text were not subject to substantive debates. But in the final CSW plenary, when it was adopted, the US official delegation presented an explanation of position, which simply repeated what had been read after the adoption of the Political Declaration¹⁴. In regard to HIV/AIDS specifically, the text made explicit that: “*We [The US] emphasize the value of the ABC (Abstinence, Be Faithful, and correct and consistent condom use where appropriate) approach in comprehensive strategies to combat the spread of HIV/AIDS and the promotion of abstinence as the healthiest and most responsible choice for adolescents.*” (ibid: 109). This approach is not a novelty. Since 2001, progressive countries, feminists, youth/S&R&H&R advocates know quite well that the US position in relation to HIV/AIDS undermines human rights principles, systematically glossing over principles of bodily integrity¹⁵, autonomy, privacy, confidentiality and choice, not to mention internationally agreed language regarding *freedom from discrimination and coercion*.¹⁶

Feminist and youth organization present at CSW quickly and openly contested the moral views of the US while at the same time calling attention to the financial aspects implied in the current US policy. In “less-developed” and economically dependent areas of the world, US funding for HIV/AIDS wields a strong pressure on nations and NGOs to follow the ABC guidelines¹⁷. *Abstinence, as US international policy, stands to gain much more prominence since the signature into law in May 2003 of the Act to provide assistance to foreign countries to combat HIV/AIDS, Tuberculosis, and Malaria, and for other purposes*¹⁸. *This legislation sets the stage for the [US] President's Emergency Plan for HIV/AIDS Relief (PEPFAR), issued on February 23, 2004.* (Girard, 2004)¹⁹

The US domestic and international policies in relation to the sexuality of young people²⁰ were also openly criticized in the statement presented by the Youth Caucus in one of the main CSW plenary. In relation to the PEPFAR, the statement read as follows: “*These are programs that do not teach young women how to enjoy their sexuality safely, but rather stress the dangers of it...., these programs do not respond to the realities of young women's lives and they do not give them the knowledge or skills to negotiate sex on their terms or protect*

themselves from unwanted pregnancies and sexually transmissible infections, including HIV/AIDS...”.

This brief mapping of positions regarding HIV/AIDS suggests that, if the resolution had been opened for negotiation, harsh controversies and bottlenecks would have arisen, complicating further the already difficult CSW negotiations. It also points to the difficulties that will be faced in May 2006, when the implementation of the HIV/AIDS UNGASS recommendations will be reviewed.

B. Trafficking and Prostitution

The negotiation of the resolution on *Eliminating Demand for Trafficked Women and Girls*, presented by the US can be portrayed as the most difficult and contentious debate of the CSW 2005. The resolution is deeply in line with the US national and international policy definitions to combat “trafficking in persons”. A main focus of the US policy on this matter is to directly associate prostitution and trafficking, arguing that the first contributes to the latter. And, moreover, the way the policy is designed is such that it also directly affects the HIV/AIDS channeling of funds.

This set of US administration policies encompasses, in an interrelated manner trafficking in persons, prostitution and HIV/AIDS. *In February, 2003, President Bush signed a National Security Directive against Trafficking in Persons and established a Cabinet-level Interagency Task Force to Monitor and Combat Trafficking in Persons* (Girard.2004:27-28). In May of the same year *the US Congress passed the United States Leadership against HIV/AIDS, Tuberculosis, and Malaria Act (Global AIDS Act)*²¹; and, in December 2003, *it passed the Trafficking Victims Protection Reauthorization Act (TVPRA)*.²² The US Global AIDS Act bars the use of *federal funds to promote, support, or advocate the legalization or practice of prostitution*.²³ It also states that *No funds ... may be used to provide assistance to any group or organization that does not have a policy explicitly opposing prostitution and sex trafficking*.²⁴ Organizations receiving US global HIV/AIDS funding also must adopt specific organization-wide positions opposing prostitution.²⁵ The TVPRA states that *no funds be used to promote, support, or advocate the legalization or practice of prostitution*²⁶ and that *No funds ... may be used to implement any program ... through any organization that has not stated in either a grant application, a grant agreement, or both, that it does not promote, support, or advocate the legalization or practice of prostitution*.²⁷ (Center for Health and Gender Equity²⁸, 2005)

This means that, in any circumstance, policy debates around trafficking and prostitution would be difficult. But in the case of CSW 2005, the negotiations would be additionally troubled by procedural problems adopted by the US to process the text. Differently from normal UN procedures, the US delegation itself chaired the negotiations of its own text. It also did not, as usual, distribute, after each step of the process, the new drafts with clear indications of amendments. This procedural distortion remained in place until the final plenary, as the US Delegation would just give other Commission members the final version of their draft resolutions at a much later stage, limiting the possibilities of other delegations to properly read and react to the final text. The break of rules was so blatant that even the Chairperson of the Bureau – who was conducting the final session – expressed shock to hear that delegations had not yet in hands the copies of the text that would be adopted.

Unsurprisingly, few countries publicly complained about the lack of transparency in the negotiation. China, for instance, made a final statement declaring that would have actively participated in the consultations around the resolution “*as far as they could know there were still a number of issues pending the day before, when the consultations were adjourned*”. The Chinese delegation has also requested “*that such consultations be conducted in a way that is transparent and inclusive with the participation of all interested delegations in the future*”.²⁹

In addition to procedural aspects, the content itself of the US resolution on trafficking was highly problematic. The most updated and relevant United Nation document on the matter is the Palermo Protocol – *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons*³⁰, signed by 117 countries, including the US. The Protocol defines as Trafficking in Persons “*the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of opposition of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation*.”³¹ The Palermo Protocol emphasizes, as well, the “root cause” of trafficking, including poverty, inequality, civil strife and gender norms; and the protocol requests member parties to address these causes. Lastly, the Protocol underlines all forms of exploitation involved in trafficking such as forced labour or services, slavery or practices similar to slavery and servitude or the removal of organs and does not exclusively focus on trafficking for sexual purposes.

The US draft did not directly mention Palermo³² and was not fully in line with the internationally agreed language, especially with regards to the definition of “trafficking in persons”. Most importantly, it emphasized “demand” for prostitution as the major factor explaining trafficking of women and girls, there by excluding other forms of exploitation, such as forced labour or services, slavery or practices similar to slavery and servitude or the removal of organs, present in the referred Protocol. Though after the first round of negotiations a clearer reference to Palermo was included, the general tone of the text remained unbalanced, giving more weight to the “demand and prostitution” as a cause for trafficking. As the negotiation proceeded, a small group of “progressive” countries – which included Mercosur and associates (Argentina, Bolivia, Brazil, Chile, Ecuador, Paraguay, Peru, Uruguay, Venezuela), New Zealand and The Netherlands – made their best effort to amend the original text, in order to get a broader definition of trafficking and language on root causes along the lines defined by the Palermo Protocol. The main argument used by these delegations was that the exclusive emphasis on “demand” and “prostitution” weakened the understanding of root causes and the need to address all forms of exploitation. Most principally, they expressed concerns that the text, as it was constructed, could lead to the criminalization of the victims of exploitation.

The final version of the resolution did mention *all forms of exploitation and root causes*. But the focus on demand and sexual exploitation remained in place, as the main reason that countries were interested was the increasing occurrence of trafficking for “*all forms of exploitation, especially for commercial sexual exploitation, which overwhelmingly affects women and girls*”. The resolution also states that countries are convinced that eliminating the demand for trafficked women and girls for *all forms of exploitation, including for sexual exploitation, is a key element to combating trafficking*”. (United Nations/CSW1.a, 2005) The resolution also calls upon Governments to:

(a) Take all appropriate measures to eliminate the demand for trafficked women and girls for all forms of exploitation; (e) Conclude bilateral, sub-regional, regional and international agreements to address the problem of trafficking in persons, especially women and girls, including mutual assistance treaties, agreements and memorandums of understanding to enhance law enforcement and judicial cooperation, and specific measures aimed at reducing demand, as appropriate, to complement the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and encourages civil society and the business sector, in particular the tourism industry and Internet providers, to develop or adhere to codes of conduct, with a view to preventing trafficking in persons and protecting the victims of such traffic, especially with regard to commercial sexual exploitation, and promoting their rights, dignity and security, including through collaboration with governmental and nongovernmental organizations.” (Ibid)

On the one hand it is fair to say that in the course of the negotiations the text has improved. But as it has been stated in the UK declaration of the position presented in the final plenary (as described below), the adopted resolution was not fully in line *with the Palermo Protocol*. The few countries that resisted the US positions – and the feminists engaged in the Trafficking Caucus – were clearly disappointed with this outcome because the final text remained focused on the *demand* for sexual exploitation (understood as code for prostitution) and did not emphasize as needed a human rights approach. The analysis developed by the Trafficking Caucus on the text underlined as its main caveats: the conflation of trafficking and prostitution and the lack of clarity and emphasis on root causes and all forms of trafficking and exploitation.³³

The resolution was taken to a vote and was formally adopted in the very last plenary session of CSW 2005, when the US Delegation opened the debates highlighting the importance of the focus on demand. After a quite difficult debate and some additional manipulations by the US, a revised text was finally adopted and co-sponsored by 45 countries, mostly from Africa.³⁴ After its adoption, the United Kingdom speaking as well on behalf of Belgium, Germany and Hungary, stressed the importance of addressing the subject matter on the basis of the *Palermo Protocol*, and regretted that it had not been possible to broaden the resolution as to consistently include references to *all forms of exploitation*. In support to the UK statement, the Netherlands also asked for the floor to offer the country’s own declaration of position, which emphasized that trafficking is a crime under Dutch law, but that “*The Netherlands’s policies focus on preventing of trafficking, providing assistance to the victims of trafficking, following a rights based approach; and prosecuting traffickers*”.

The Dutch representative further explained that in the Netherlands ‘*voluntary adult prostitution is a legitimate occupation*’, rightly emphasizing and repeating the term *voluntary*. She continued by saying that an important and intended element of the existing policy is to help “*tackling human trafficking, which is characterized by exploitation coercion and violence*”. Finally, the Dutch delegate stressed the fact that their policies are based on the convictions that “*strengthening the position of women is the best way to combat sexual violence, moreover, abuses are easier to detect when prostitution operates publicly and legally rather than in a clandestine subculture*”.

Then Paraguay, on behalf of Mercosur and Associates, also emphasized that efforts towards combating trafficking in human beings should be based on existing documents

governing the matter, in particular the Palermo Protocol. The Paraguayan delegate stressed as well the need to address the human rights of victims and the tackling of root causes, which make women and girls particularly vulnerable to the tragedy of trafficking. The Mercosur text repudiates all forms of human exploitation, but also shows concerns “*that an effort aimed at combating trafficking, especially focusing on the reduction of the demand of sexual exploitation can carry us to criminalize the victims of exploitation, this is to convert victims in criminals*”.

C. Economic Advancement of Women

The debates surrounding the *Resolution on the Economic Advancement of Women* – which was also proposed by the US – would also prove controversial. The original draft was highly criticized by feminists and some developing countries because it failed to fully recognize the linkages between women’s economic empowerment and sexual and reproductive health and rights; and, most principally, the impact of macroeconomic conditions that limit women’s access to resources, gainful employment and control over their financial and personal well-being. Despite systematic US resistance and after long hours of negotiation, the more progressive positions prevailed.

In the context of this article the most relevant aspect to be highlighted in relation to this particular process was that the text became, unexpectedly, a reproductive rights battleground. The “battle” started early in the week when New Zealand proposed the inclusion of reproductive rights language. This would trigger major controversies until the final plenary session, when South Africa on the basis of the original proposal made by New Zealand proposed a new text that was voted on and adopted. The South Africa-proposed amendment was based on Beijing accepted language and reads as follows: “*Recognizing also that access to basic affordable health-care services, preventative health information and the highest standard of health care is critical to women’s economic empowerment, that lack of economic empowerment and independence increases women’s vulnerability to a range of negative health consequences, including the risk of contracting HIV/AIDS, and that the neglect of women’s reproductive rights severely limits their opportunities in public and private life, including the opportunities for education and the economic and political empowerment*”.

But, in the negotiation process – just as it has happened in the case of the *Resolution on Trafficking* – the procedures were very confusing and not at all transparent. In the final plenary, the Head of the US delegation asked for the floor to say that “*they would reluctantly accept the South African Amendment*” when it was made clear that reproductive rights would not include abortion. But when the US delegate was about to finish her speech, another member of the delegation said something to her, and she immediately changed her position, stating that: “*we have just learned that we can not accept this language and therefore we will have to ask for a vote on the amendment*”. Then Nicaragua took the floor to support the US position. On the other side of the fence, the delegate from Cuban proposed additional, new amendments concerning “*justice to men and women living in poverty in developing countries*”.³⁵ His position was immediately supported by South Africa.

The US did not accept the language proposed by South Africa and Cuba and called for a vote. The vote on the amendments was about to start when the US delegation finally

realized that their original text would be entirely transformed by the amendments proposed. In reaction, Ambassador Ellen Sauerbrey (head of the US delegation), made a last effort to kill the resolution. She said the US wanted to withdraw the text. Cuba argued strongly against it, emphasizing that according to the UN rules it was not possible to withdraw a resolution when it had already been amended in a final plenary session. The chairperson of the plenary confirmed that the procedure proposed by the US was not correct. The amendments were therefore voted. Specifically on the paragraph proposed by South Africa, the results included fourteen abstentions, twenty four in favor and two against. The US then declared that it would not co-sponsor the final text, which in origin was an American paper. This gesture was accompanied by Nicaragua's, which also withdrew co-sponsorship.

OVERLAPPING TRADE-OFFS

Given the enormous resistance and constraints at play in CSW 2005, the mention of reproductive right in the Women and Economic Advancement resolution can be portrayed as a major success. However, the analysis of the CSW negotiations in respect to sexuality can not focus exclusively on selected pieces of text. It requires the two resolutions presented by the US (Trafficking and the Economic Advancement of Women's) to be examined in a cross-cutting manner. As suggested by Correa (2005) the final scenario of CSW 2005 was rather contradictory: *[It] reflected an obvious 'trade-off' between the two resolutions. Southern countries gave the rings of the trafficking not to lose the 'fingers' in the economic front [...] Despite the difficulties, it [was] possible – at least in terms of confronting the US – to reach the minimum agreements with the developed countries regarding some aspects related to macroeconomics.* But the same can not be said of the trafficking resolution.

Given that, the hypothesis may be raised that, at some point in the negotiation, the Trafficking resolution was traded-off for the Resolution on the Economic Advancement of Women. This was done in a complex and confusing process, which involved many key players in addition to the U.S: South Africa and Cuba, playing the main "trading role" in the G77. South Africa, in particular, seems to have, on one hand, aligned with the US by co-sponsoring the resolution on trafficking in persons, while frankly opposing the US on the economic front. It was also the main player in relation to the inclusion of reproductive rights language in the text of the *Economic Advancement of Women* (which implied no minor appraisal on the part of women's activists present in the plenary session).

In contrast, Mercosur and Associates and a few European players, have managed to be flexible enough in the economic debates, while retaining a firm stand against the moral approach of the US in regard to trafficking and prostitution. But, very clearly, the large majority of countries aligned themselves with the US position, either by conviction or because they feared going against the US positions. As Correa (2005) also suggests, this is "*not astonishing, since, as it is well known, the issue (of prostitution) mobilizes conservative positions inside the feminist movement as well as in countries that, otherwise, are very progressive regarding other controversial questions.*"

Civil society participation: Shrinking spaces and greater plurality

Since the early 2000 the space for civil society in UN negotiations has been shrinking or at least resistance is felt in many quarters in regard to ensuring and expanding this participation. Nevertheless, CSW cannot be exactly portrayed as a process in which participation was restricted. More than 2,600 civil society representatives attended the 49th Session of CSW to participate in the Beijing +10 Review and, it is not excessive to say that once again, it was this massive presence that prevented the negotiations to get further derailed.

Feminist Voices

As in other occasions, global networks that have been engaged in the 1990's UN processes – such as DAWN, the Global Center for Women's Leadership, the International Women's Health Coalition, ISIS, Wide, WEDO – were present and have worked very hard in the confrontation with the US and other conservative forces. Within that one particularly noteworthy advocacy strategy established by the *Latin America and Caribbean Follow up Committee for Beijing +10*. This Committee was created in Mexico just after the 10th *Latin American and Caribbean Regional Conference on Women* (ECLAC), to ensure the visibility and impact of a regional “*progressive feminist agenda*” in the global process. The advocacy space created and coordinated by the *Latinas* became a key strategic site where people could get information and properly organize for the complex and difficult CSW battles. Other key spaces were the thematic and regional caucuses that met on a daily basis to share information and strengthen advocacy strategies about macro political trends and specific issues.

Sexual and reproductive health and rights issues were given priority by most of the caucuses, but were particularly salient in two of them: the Trafficking Caucus and the Diverse Sexualities Caucus. The *Trafficking Caucus* met daily in the morning in order to strategize and respond to the Trafficking resolution. Caucus members exchanged information on the content of the *trafficking resolution*, compared it to previous UN policies and protocols on the issue, and used prior UN language to push for and focus on a broad definition of trafficking that addressed exploitative conditions across a range of sectors, not just prostitution.

The *Diverse Sexualities Caucus* was made up of advocates and NGO representatives from all over the world who work to promote sexual health and rights. It was originally created in Beijing as the *Lesbian Caucus* and proved to be a rich platform because of the efficient advocacy strategies it designed and the ways in which knowledge was exchanged within the group. The final outcome of the caucus must also be seen as a major step forward in respect to one of the thorniest debates we face in respect to sexuality: the problem of identity.

Youth Voices

Youth advocates were also very active during the CSW 2005. The Youth Caucus met also on a daily basis, to prepare statements and fact sheets and to distribute responsibilities among its members. The participants attended other caucuses and also lobbied friendly delegations. One particular statement issued by the Youth Caucus deserves to be highlighted as it strongly reflects young persons' positions in regard to the moral conservative agenda: “*Young people should not have to fear their sexuality! They should be aware of their rights and be empowered to exercise those rights “And now one might ask: what about the responsibilities? Yes, it is true, young people also have responsibilities. Having rights does not mean young people are throwing away their responsibilities. Having rights means also respecting other's rights. And having rights also means that young people can participate in structuring their responsibilities. No access to knowledge means no responsible behavior”*”. (Juntunen, 2005).

The Youth for Women's Rights Caucus has also prepared a statement to be delivered during the high level plenary, which also openly confronted the increasing influence of moral conservative forces in UN debates: “*The human rights framework with the freedom of choice at its core is under ferocious attack. We are also alarmed by the persistence of patriarchy, the rise of religious fundamentalism, the prevalence of conservative cultural and traditional norms, which impede our right to decide freely over our bodies and sexualities”*”.

Confusion and Contradiction “Within”

The outstanding presence of the US and of other regressive actors in the CSW 2005 negotiations tends to bend the analyses of the process towards the tensions and conflicts deriving from the strategies adopted by these forces. However, a closer examination of the negotiations and statements made by individual countries indicates that confusion and disagreements in respect to sexuality are at play across the political spectrum. Very clearly, the “sexual wars” of Beijing +10 cannot be resumed to the more evident battles between highly conservative and supposedly progressive countries. They were at play amongst other state actors as well amidst civil society organizations.

A. Contradictions amongst State actors

One clear illustration of this confused environment is identified, for instance, in the positions taken by Rio Group³⁶ as a block, on the one hand, and the stand taken by some individual countries or sub-groupings of the negotiating block, on other hand. The best starting point to assess these contradictions in the so-called Mexico Consensus, which was the political declaration that was adopted almost by full consensus in the 10th Latin American and Caribbean Regional Women’s Conference, in Mexico City, June 2005. In this occasion reservations³⁷ were made, however, by the US, El Salvador and Nicaragua, the later two countries being members of the Rio Group). The Mexico text clearly mentions that states must “*Review and implement legislation guaranteeing the responsible exercise of sexual and reproductive rights and non-discriminatory access to health services, including sexual and reproductive health, in accordance with the Lima Consensus*” (United Nations/ECLAC,2004).

Even so, in CSW, not all countries belonging to Rio Group would make open reference to sexual and reproductive rights in their CSW statements. For instance, no mention was made of these terms in the statement delivered by Argentina (on behalf of the Rio Group). In addition, countries like Honduras and Costa Rica – that have been part of the Mexico Consensus and therefore have agreed with the “*sexual and reproductive rights*” language mentioned above – have not mentioned these concepts in their statements. In contrast, the statements of Mexico, Bolivia, and Brazil were clearly more progressive. Mexico, despite being governed by a conservative party with strong links with the Catholic Church, mentioned reproductive health by referencing “*the creation of the National Center for Gender and Reproductive Health*” (Ibid). Bolivia’s statement recognized women’s rights and sexual and reproductive health, that respect individual options the rights of women and men in an expanded frame to structure sexual and reproductive health services (Ibid). The Brazilian statement clarified the four main components of the national priorities for the advancement of women and explicitly named “*Women’s health, sexual and reproductive rights*” among them. The Brazilian statement also announced the establishment of a tripartite commission (that includes representatives of the house, the Senate and civil society) to review punitive legislation on abortion in the country. (Ibid)

There were also several ambivalent points. The statement by Costa Rica – which in the B+10 processes became a constant partner the US – includes a phraseology that can be interpreted in many different ways. It reads as follows: “*we should contribute to the promotion of new masculinities that enable and promote the development of respectful and supportive generations of human beings*” (Ibid). Here, the term *new masculinities* can be

interpreted both as a very progressive and innovative way of addressing questions related to gender/sex systems. But it can also mean a hidden attack on dissident masculinities. This is probably what it really meant given the systematic alliance between Costa Rica and the US.

Also, as mentioned before, the progressive position in respect to the Trafficking resolution was expressed by Mercosur and Associates and not by the Rio Group as a whole, because only a few countries of the larger group were aligned with the US, either by conviction or because they were under financial and political pressure. Notwithstanding, the statement made by the *Latin American and Caribbean Women's Networks Coalition for Beijing +10*, strongly called attention to risks of countries in the region to submit to these pressures: “[It is vital] *That the US respects the sovereignty of all states and do not use international development cooperation as a means to pressure and manipulate countries!*”³⁸

However, it must be said that, when trafficking and prostitution in discussion, contradictions and fracturing are not an exclusive feature of developing countries; in fact, they can be easily identified across the Equator. On this issue, very often “progressive” states and civil society actors are deeply divided. One striking example is the Swedish policy on prostitution and trafficking. Since Cairo and Beijing and even before, Sweden was known to be one of the most “progressive” state actors in what regards S&RH&R.³⁹ In fact, Sweden has been a major player in the Cairo process, having supported the “Population Policies Re-Considered: Health, Empowerment and Rights”, which is until today considered a conceptual landmark in the process leading towards ICPD.⁴⁰

But in 1999, the Swedish Parliament has adopted a national legislation aimed at abolishing prostitution. Since then “purchasing – or attempting to purchase⁴¹ – sexual services constitutes a criminal offence punishable by fines or up to six months imprisonment” (*Sweden, Government, 2005*). This legal stand is also reflected in the country’s international policy guidelines. In relation to trafficking in human beings it must be said, however, that the statement delivered by Sweden in CSW did not express clearly enough the country’s official position in regard to the issue as it says that: “*It is time to talk about hideous crimes committed by men against women, such as violence against women and children in the home, violence in the name of honor and violence connected to prostitution or trafficking in women and girls, including in situations of armed conflict, crises and transition.*” (United Nations CSW1.b, 2005). The paper prepared by the Swedish government to divulgate the national law on prostitution enables us to understand the position more clearly: “*In Sweden, prostitution is regarded as an aspect of male violence against women and children. It is officially acknowledged as a form of exploitation of women and children that constitutes a significant social problem, which is harmful not only to the individual prostituted woman or child, but also to society at large. The Swedish Government has long given priority to combating prostitution and trafficking in human beings for sexual purposes. [...] Gender equality will remain unattainable as long as men buy, sell and exploit women and children by prostituting them.*” (*Sweden, Government, 2005*)

In light of this rationale, it is not surprising that today Sweden and the US are undertaking a joint initiative for bilateral cooperation to combat prostitution and trafficking. This joint initiative, carried out in partnership with two international non-governmental organizations “*aims to increase awareness about and develop strategies to combat prostitution and trafficking in human beings for sexual purposes*”⁴² (*Government of Sweden, 2005*). On the other hand, this alignment projects the image of “strange bed fellows at play”,

as in all other aspects regarding sexuality the Swedish position is, in fact, radically opposed to the Bush Administration's agenda.

While during the CSW process, the US suggested abstinence and fidelity and the main strategy to prevent HIV (the ABC approach) and that "reproductive rights" should not refer to abortion. Sweden, in contrast, delivered a very progressive statement of position to the CSW, mentioning "*access to sexual and reproductive health care*"; "*access to sexual and reproductive services*"; that "*abortion-related mortality and morbidity is highest where abortion is illegal, where reproductive health services are insufficient, and where women do not have control over their own sexuality and fertility*"; that "*women need to have means to protect themselves from unwanted pregnancies and sexually transmitted infections, in particular HIV. An essential part of this preventive work is that everyone has access to sexuality education as well as condoms and other contraceptives.*" (United Nations CSW1.b, 2005). In the context of this article, however, it is also crucial to mention that the Swedish position seems to have hampered the consensus process within the EU in respect to the extremely difficult negotiations of the US resolution on trafficking.

B. Amongst Civil Society Actors

As mentioned before, confusion and contradictions were also at play amongst civil society players. Chiasms and lack of clarity were particularly evident in respect to three topics. The first and more contentious was clearly the issue of trafficking and prostitution. But obscurities and conflicts emerged as well in respect to "gender and sexual identities" and "gender and men".

B.1. Trafficking and Prostitution

For many years a sharp divide has been deepening among feminists in respect to trafficking and prostitution. As sharply analyzed by Kempadoo (2005):

"One feminist current traces to western/Euro-American middle-class anti-prostitution feminist lobbies in the late nineteenth century around the "White Slave Trade," which reappeared in the late 1970s as "female sexual slavery. Lodged in a radical feminist analysis of social relations that prioritizes gender relations, this perspective attached trafficking exclusively to prostitution, which in turn was viewed as the worst form of patriarchal oppression and the most intense form of victimization of women (Barry 1984). The central premise was that prostitution is "sexual harassment, sexual abuse, and sexual violence," and women, collectively, the victims of male violence (Leidholdt 2000). The global sex industry is thus seen to coerce women into prostitution, to keep women in sexual slavery, and to violate women's rights and bodily integrity (Hynes and Raymond 2002). Women, it is assumed, never freely enter into sexual relations that are not located in "love" or autonomous sexual desire. Rather, they are seen to be always forced into prostitution - in short, trafficked - through the power and control men exercise over their lives and bodies."

In recent years, this feminist strand, which is represented at the global level by the Coalition Against Trafficking, has openly aligned with conservative sectors and the Bush Administration itself. In CSW 2003, for instance, it was not possible to adopt a resolution on violence against women because Islamic countries and other conservative sectors with the

support of this feminist current have peppered the text with language on trafficking and prostitution that would not be accepted by other state actors. In early 2005, Donna Hughes – spokesperson for the US Coalition Against Trafficking – wrote with Phyllis Chesler and article for the Washington Post in which they explicitly say that the Left does not offer much to the debate on trafficking and that “faith based organizations (except Islamic groups) are better allies” (Kempadoo, 2005).

This long standing and unresolved tension was, not surprisingly, very alive in CSW 2005 civil society spaces. On the one hand, a large sector of women’s networks particularly from Asia and Europe strongly advocated for the idea that the *“demand for sex work is what drives trafficking in persons, and that criminalizing clients who patronize sex workers will reduce the problem”*.⁴³ Among other strategies this current has distributed leaflets accusing governments of being “Pimp States”, when they had not taken ‘necessary’ measures to abolish prostitution. On the other hand, another group of feminist advocates and networks argued that *“demand for sex work is not the dominant driving factor for trafficking, which is driven by poverty, race, and gender inequalities”*.⁴⁴ And, most principally, the voice and position of sex workers and prostitutes themselves got lost in the hegemony of other discourses. Because of that, the later groups have issued a final statement regretting the conditions prevailing the CSW debates: *“We are saddened that the effort of sex workers themselves are not supported by many feminists who in fact prefer to see us as victims or threats rather than as allies in the fight for women’s rights”*.⁴⁵

B.2. Identity Politics

Politics of identity is another area in which lack of clarity and tensions proliferate. It is very clear that the discernment and strengthening of identities – such as women, lesbians, homosexuals, bisexuals, heterosexuals, transgender, intersex – allows for individuals and groups to be recognized as political subjects, that must be taken into account, and fight for their specific needs and rights. However, the multiplication of identities may also blur or limit the many ways through which a person may want to identify. The proliferation of identities, which is originally aimed at inclusion, may create unexpected exclusions – for instance, a woman or man who does not identify with any of these categories, but wants to engage within sexuality politics. The confusion at play in this domain, to a large extent derives, from lack of conceptual clarity about the complex connections and disjunctions between genders and sexualities.

In relation to this subject, differently from what occurred in relation to trafficking – as no conversation between the opposing positions has taken place – interesting debates have evolved. One noteworthy example was the side activity organized by the Latin American and Caribbean Coalition for Beijing +10, which was titled the *“Primary Public School on Sexualities”*. The workshop counted with great diversity of voices⁴⁶ who tackled upfront the complexities of the issue. Lohana Berkings started her *speech clearly by saying that* “I am not just travestite. This is not the identity that defines me,” she said. *“I am Bolivian migrant in Argentina, fat, Jewish, poor, and an ex-prostitute. I am a Lohana”*.⁴⁷ Given that this way of approaching sexual identity is rather unusual, it is very positive that it has been made public and discussed during CSW.

The Diverse Sexuality Caucus is another positive illustration identified in relation to this difficult topic. In 2005, the Caucus shifted from a single identity approach (the lesbian caucus) to a broader conceptual framework aimed at tackling all sexual rights and sexuality-related human rights violations. By doing so, it was able to engage with the BPFA agenda in a more inclusive manner, which is clearly reflected in its final statement:

Sexual rights belong to all of us, not just the marginalized. Rights related to sexuality are part of the spectrum of international human rights and fundamental freedoms, despite thinly veiled efforts to cast them as "new rights". The human rights paradigm is an evolving discourse which rests on interpretations that are fueled by global social movements and ever-changing political landscapes. We all know that human rights are indivisible and they are to be enjoyed by all people. Sexuality and gender identities and expressions are not separate from other aspects of our identity such as race, gender, age, ethnicity, etc.

Sexual rights, while inclusive of sexual orientation, also encompass bodily integrity, autonomy, privacy and choice. They are also about freedom from discrimination, coercion and violence, as noted in Paragraph 96 of the Beijing Platform (BPFA). Yet, every day, people are tortured, imprisoned, and even executed when governments fail to protect these rights. States are accountable to respect, protect and fulfill the human rights of all people, regardless of whether they are lesbian, gay, bisexual, transgender, intersex or heterosexual.

We note with dismay that some states retain colonial laws that criminalize same-sex sexual activity and non-normative sex and gender expression. In fact, some of these laws have been extended in the name of religion. We reject this political use of religion that enforces colonial and patriarchal values, and promotes fundamentalisms and extremism of all kinds.

Diverse forms of sexuality have existed for centuries, and social movements defending and promoting the rights of people whose sexual and gender expression do not conform to heteronormative models, exist across all regions and cultures. These social justice movements have worked within and helped to strengthen the struggle for human rights. We note the history of the UDHR [Universal Declaration of Human Rights] and other human rights instruments, and invoke the vision of brave and thoughtful women such as Hansa Mehta, an Indian feminist who promoted the notion that all human beings are equal in dignity and rights.

We face a troubling contradiction: on the one hand, rich and diverse global advocacy on sexual and gender diversity; and on the other, a climate of hatred and violence targeted toward marginalized groups. Still, human rights related to sexuality remain a point of controversy in many UN discussions. The 49th session of the CSW is no exception. Many countries are committed to advancing sexual rights, as they have stated publicly and privately. However, unequal power relations and coercive tactics have forced this support underground, and last week jeopardized a strong consensus statement on human rights of women.

Human rights, equality, the implementation of the BPFA and the achievement of the MDGs [Millennium Development Goals] cannot move forward whilst particular groups are stigmatized, marginalized, and subjected to discrimination and violence. In opposing coercive tactics, including the promulgation of myths and fear-mongering, we must acknowledge, embrace and celebrate the diversity of human kind. To do less is an insult to the foundation of the UN system.

B.3. What To Do About Men?

Another unclear issue is the role and place of men⁴⁸ as partners in the work towards gender equity/equality and women's rights. Ten years ago, this was not a problem. Though feminists have struggled hard for the inclusion of recommendations on men responsibility in the ICPD and Beijing documents, practically no men were deeply engaged with sexuality issues in UN debates, except the diplomats. As described in a very "illustrative" article entitled "men in Beijing", written by Correa (1995), very few men were present and active in the IV World Conference on Women. But few of them have played key roles, as in the case of the Dutch and Iranian diplomats that confronted each other in the negotiation of the famous paragraph 96:

"On one side of the table sat the Dutch Minister Melcourt (Minister of Social Affairs). On the other extreme, the skilful Iranian diplomat that accompanied us since the difficult negotiations about the regulation of the fertility in the Cairo Conference and that we already simply called "Reza". Melcourt did not give up one millimetre regarding the need to explicitly use the term "sexual rights". Reza reiterated incessantly that from the viewpoint of the Islamic delegations this position was non-negotiable. Everybody in the room knew that what was really at play in their intransigence was that Melcourt had promised Dutch LGBT groups to get "sexual rights" in Beijing, while Reza could not live with the risk of sexual rights being interpreted as "freedom to sexual orientation". This underlying motivations, however, were never made explicit. Melcourt focused on Reza and Reza focused on Melcourt, as if they were alone, in an empty room".

In Beijing men could be therefore critically observed from outside and apart. But today the "problem of what to do with men" can not be circumvented anymore as lots of young men are very active and committed to the ICPD and Beijing agendas, as it becomes clear in the article on CSW 2005 written by a SRRH Filipino young feminist:

"It is important for our brothers, fathers, boyfriends, partners, husbands and all the men in our lives - including our (future) children, to be gender aware and sensitive as deconstructing gender paradigms should begin at home, and at the very core of our personal relations. There are millions of ways to partner with men. Projects that involve boys and men in addressing trafficking, VAW, political participation, gender mainstreaming, and sexual and reproductive health issues ranging from LGBT issues to HIV/AIDS to life skills, engender a new way of approaching men to work with women in making sure that the gains are not lost. [...] the gains are plenty and the changes that we can expect are just the tip of the iceberg. Let us move from phobia with men and boys promoting gender equality and let's discuss this more. (Manzanal, 2005)

However, my own experience, as a member or partner of various feminist organizations and networks – including both the "more experienced" and those from "younger generations" – tells that a significant sector of feminists even today strongly defend the position that man should not be invited or included for strategic meetings, workshops or even seminars where gender and human rights issues are being debated. This is clearly one agenda that deserves further thinking and conversations in the years to come.

THOUGH MUCH HAS BEEN DONE, MUCH YET REMAINS TO BE PROCESSED

To conclude I would like to explore three interlinked areas of concern that, in my view, remain critical and must be openly faced and further explored in the path towards a real “enabling environment” for human rights in the realm of sexualities.

The first refers to the *definition and understanding of “sexual rights”* itself. This brief overview of CSW 2005 negotiations and parallel debates sharply indicates that – in addition to the obstacles related to moral controversies – conceptual clarity is missing in respect to sexuality related issues, even among progressive sectors. As we have seen the *Diverse Sexualities Caucus*, that was created far back ago, was still wrestling to further clarify and disseminate a broader definition of sexual rights. The same applies to UN member states, as their formal statements and declarations of position also indicate that they do not have much clarity on the meanings and contents of these rights. If we have in mind that millions of people are severely experiencing the negative consequences of the absence of sexual rights, it seems urgent that more investment is made both by governments and civil society to better understand, define, and legitimize “sexual rights”.

Given this lack of understanding (and also of political will), *how can sexual rights be translated into national and international policies?* Citizens facing the consequence of the abuse and disregard of human rights in regard to sexuality are found all over the world. But, as we have seen, sexual matters are perceived and addressed very differently by the distinct governments. Some governments completely ignore and neglect them – either by conviction, or for fearing to confront powerful countries and institutions such as the US, the Holy See or the Organization of the Islamic Conference. More progressive governments do acknowledge the need of to implement policies related to sexual rights, but when it comes to national policy implementation they often limit the use of sexual rights language and measures in the context of HIV/AIDS programs, discrimination on the basis of sexual orientation or same sex marriage.

In the current climate this is to be seen as positive, because even these limited approaches to sexual rights can be seen as exemplary. But at the same it is necessary to broaden the definition of sexual rights, along the lines suggested by the WHO working definition. The implementation of sexual rights requires to us go beyond matters directly related to sexual acts and their eventual negative impact. To illustrate more precisely what this means we can, for instance, refer to policies implemented by the Dutch government, which are broad, have an integrated manner, and cover a wide range of issues: HIV/AIDS, trafficking in persons, prostitution, same sex marriage within a frame that strongly emphasize self-determination and freedom from discrimination, coercion, and violence. The Dutch policy guidelines also highlight the relevance of women’s autonomy, agency and empowerment, the best example being the position regarding prostitution, which is aimed at *“strengthening the position of women is the best way to combat sexual violence, moreover, abuses are easier to detect when prostitutes operates publicly and legally rather than in a clandestine subculture”*.

Thirdly, the 49th CSW, as many other UN negotiations, suggests that this lack of understanding and clarity of what “sexual rights” are is openly favoring the advancement of conservative forces. To a large extent these forces are gaining space because they know exactly what they want and spread their moral messages in simple language that resonates easily with the common sense. The best example, in the case of CSW 2005, was the

mobilizing of popular assumptions in respect to prostitution and the manipulation made by the US delegation when it created confusion by raising concerns in respect to the “creation of new rights”. In a political context where the US and other conservative forces systematically use their power to manipulate negotiations and pressure other countries, it is a major caveat that the so-called “more progressive” countries and women’s rights advocates are themselves confused and not able to dialogue across their differences, as it clearly happened in the case of prostitution in CSW 2005.

The negative effect of this lack of clarity and consensus can be detected in the interpretation made by the US Department of State in regard to the outcome of the negotiation of the Resolution against Trafficking. As it has been already analysed, the negotiation was contaminated by bad procedures and lack of transparency. However, in the State Department website what is found is a text that entirely glosses over these aspects and that has not been publicly contested by progressive voices:

“At the 2005 UN Commission on the Status of Women (CSW), the United States presented... The resolution, Eliminating Demand for Trafficked Women and Girls for All Forms of Exploitation, attracted more than 50 nations as co-sponsors and was adopted by consensus on March 11, 2005. The US advanced this resolution at the CSW as part of its ongoing effort to build international partnerships to combat human trafficking—and in response to President Bush's call for increased focus on the demand side of the crime. This was the first resolution of a UN body to focus on eliminating demand for human trafficking, and, with this resolution, the CSW also acknowledged the important link between commercial sexual exploitation and trafficking in women and girls.

Last but not least, conservative moral values, fundamentalisms, and US unilateralism make these challenges even more complex and difficult to surmount. These difficult political conditions require that sexual rights activists become better prepared. We need to debate more systematically and compete less. Once we are able to acquire more knowledge and achieve a stronger consensus on controversial themes, we may restrict those spaces in which our adversaries are moving so swiftly, as demonstrated in the difficult and exhausting negotiations of Beijing +10.

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ANNEX

Draft submitted by the Chairperson of the Commission on the Status of Women Declaration adopted by the Commission on the Status of Women at its forty-ninth session as orally amended

We, the representatives of Governments gathering at the forty-ninth session of the Commission on the Status of Women in New York on the occasion of the tenth anniversary of the Fourth World Conference on Women, held in Beijing in 1995, in the context of the review of the outcomes of the Conference and of the twenty-third special session of the General Assembly, entitled *Women 2000: gender equality, development and peace for the twenty-first century.*, and the its contribution of the Commission to the high-level plenary meeting of the Assembly on the review of the United Nations Millennium Declaration,¹ to be held from 14 to 16 September 2005;

1. Reaffirm the Beijing Declaration and Platform for Action 2 adopted at the Fourth World Conference on Women and the outcome of the twenty-third special session of the General Assembly;

2. *Welcome* the progress made thus far towards achieving gender equality, stress that challenges and obstacles remain in the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, and, in this regard, pledge to undertake further action to ensure their full and accelerated implementation;

3. *Emphasize* that the full and effective implementation of the Beijing Declaration and Platform for Action is essential to achieving the internationally agreed development goals, including those contained in the Millennium Declaration,¹ and stress the need to ensure the integration of a gender perspective in the high-level plenary meeting on the review of the Millennium Declaration;

4. *Recognize* that the implementation of the Beijing Declaration and Platform for Action and the fulfilment of the obligations under the Convention on the Elimination of All Forms of Discrimination against Women are mutually reinforcing in achieving gender equality and the empowerment of women;

5. *Call upon* the United Nations system, international and regional organizations, all sectors of civil society, including non-governmental organizations, as well as all women and men, to fully commit themselves and to intensify their contributions to the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly.

NOTES

¹ The author is a MA Student in Development Studies - Population, Poverty and Social Development Program, at the Institute of Social Studies (ISS), The Netherlands. Formerly worked as a researcher in the Brazilian Interdisciplinary Association on AIDS (ABIA). This article was originally written to compose a series of papers produced by six women of a “new generation” of feminists from Latin America - Alejandra Scampini, Angela Collet, Fiorella Benevente, Marita Pareja, Samantha Buglione and Sofia Avila . Each of the six papers focused on one specific thematic area. Angela Collet dedicated specific attention to debates and processes regarding the S&RH&R agenda. The final version was commented and reviewed by Gloria Careaga and Sonia Corrêa.

² Ten year review of the *IV World Conference on Women*, held in Beijing, China, in 1995.

³ The term “bodily integrity” can be defined as “the right to security in and control over one’s body”, Including “an affirmative right to enjoy the full potential of one’s body , whether for health , procreation or sexuality. (Correa and Petchesky, “Reproductive and Sexual Rights: a feminist perspective”, in Gita Sen, Adriane Germain, Lincoln C. Chen (eds) , *Population Policies Reconsidered*, 1994, p. 113.

⁴ The definition of “sexual Rights” made by the HERA group accomplishes: “*the right to happiness, dreams and fantasies; the right to explore one’s sexuality free from fear, shame, guilt, false beliefs and other impediments to the free expression of one’s desires; the right to live one’s life sexuality free from violence, discrimination and coercion, within a framework of relationships based on equality, respect and justice; the right to choose one’s sexual partners without discrimination; the right to full respect for the physical integrity of the body; the right to choose to be sexually active or not, including the right to have sex that is consensual and to enter into marriage with the full and free consent of both people; the right to be free and autonomous in expressing one’s sexual orientation; the right to express sexuality independent of reproduction; the right to insist on and practice safe sex for the prevention of unwanted pregnancy and sexually transmitted diseases, including HIV/AIDS; the right to sexual health, which requires access to the full range of sexuality and sexual health information, education and confidential services of the highest possible quality.* HERA created a set of action sheets in the 1990s that remain valuable tools for advocacy pertaining to sexual and reproductive rights and health. This definition is taken from the HERA Action Sheets [<http://www.iwhc.org/docUploads/HERAActionSheets.PDF>].

⁵ This definition is part of a set of “working definitions” elaborated as a result of a WHO-convened international technical consultation on sexual health in January 2002, subsequently revised by a group of experts from different parts of the world. According to the WHO, they are “a contribution to on-going discussions about sexual health”. In that sense, they are not recognized as an official WHO position but, instead, as “working definitions”. (http://www.who.int/reproductive-health/gender/sexual_health.html#4) accessed Jan 30th, 2006

⁶ The Mexico Consensus is the outcome document of the Latin American and Caribbean Beijing +10 Review. It was adopted by consensus in the Ninth Regional Conference on Women in Latin America and the Caribbean, Mexico DF, June 2004.

⁷ Haseena Sulaiman and Lailuma Saded, “Forced Marriage Ban Possible”, <http://www.peacewomen.org/new/afghanistan/Dec03/ban.html>. See also amnesty International “no one listens to us and no one treats us as human beings’: justice denied to women,” Oct 2003 <http://www.web.amnesty.org/library/index/engasa110232003>

⁸ Women’s Human Rights in the New Turkish Penal Code, Women for Women’s rights – New Ways; http://www.wwhr.org/id_911

⁹ In 2004 the feminist network Dawn circulated the statement “DAWN SAYS NO TO NEGOTIATIONS FOR BEIJING+10 AND CAIRO+10”. The content of the statement included, among other arguments that “*The current political conjuncture of aggressive fundamentalism and militarism presents serious risks to women’s human rights world-wide. DAWN (Development Alternatives with Women for a New Era) like a number of other organizations, is concerned about the possibility of setbacks to the gains made for women’s human rights during and in relation to the UN conferences of the 1990s. Contrary to the relatively open environment for such advances that existed during the 1990s, the first decade of the 21st century confronts us with the extreme social*

conservatism, aggressive unilateralism, and support for militarism of the Bush administration, and the worsening of fundamentalist trends elsewhere as well. In such a context, it is very important to protect the gains made for women's human rights through careful and considered action. It is especially important not to place these gains at risk through promoting or agreeing to formats or mechanisms for regional or international meetings that are likely to be problematic. We believe, in this context, it is imperative that there NOT be any international or regional inter-governmental meetings that in any way involve or may lead to official negotiations - not any UNGASS or Ministerial or other High Level meetings that by their very form automatically become negotiations. Not only would such negotiations be an unproductive use of scarce financial and human resources, but they are certain to put a severe burden on governments and the NGO community to defend the gains of the 1990s and to prevent rollback." (full text can be accessed in the (in <http://www.dawnorg.org/publications/docs/notonegationsmar03.doc>) (Accessed Jan 29, 2006)

¹⁰ The full version of the adopted declaration, including the US and other countries *Statements of position* (UN-CSW final report on the 49th Session of the Commission on the Status of Women) can be found in the following website: <http://daccessdds.un.org/doc/UNDOC/GEN/N05/346/33/PDF/N053463>. Accessed Jan, 20th, 2006.

¹¹ The Bureau of the Commission on the Status of Women (forty-ninth session, 2005) comprised the following members: Ms. Kyung-wha Kang (Republic of Korea), Chairperson; Ms. Marine Davtyan (Republic of Armenia), Vice Chairperson; Ms. Tebatso Future Baleseng (Botswana), Vice Chairperson; Ms. Beatrice Maille (Canada), Vice Chairperson; Ms. Romy Tincopa (Peru), Vice Chairperson, elected in the 49th Session.

¹² The 49thth UN-CSW adopted the following resolutions: "Situation of and assistance to Palestinian women"; "Situation of women and girls in Afghanistan"; "Women, the girl child and HIV/AIDS"; "Eliminating demand for trafficked women and girls for all forms of Exploitation"; "Advisability of the appointment of a special rapporteur on laws that discriminate against women"; "Mainstreaming a gender perspective into all national policies and programmes"; "Integrating a gender perspective in post-disaster relief, recovery, rehabilitation and reconstruction efforts, including in the aftermath of the Indian Ocean tsunami disaster"; "Strengthening of the International Research and Training Institute for the Advancement of Women"; "Indigenous women: beyond the ten-year review of the Beijing Declaration and Platform for Action"; "Economic advancement for women".

¹³ During the 45th CSW, an observer for Namibia, on behalf of Angola, Botswana, the Democratic Republic of the Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, the Seychelles, South Africa, Swaziland, the United Republic of Tanzania, Zambia and Zimbabwe, introduced a draft resolution entitled "Women, the girl child and human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS)" (E/CN.6/2001/L.4). (Full text can be accessed in the website <http://www.un.org/womenwatch/daw/csw/e2001-27.pdf>). Accessed Feb, 10, 2006.

¹⁴ at this point the US head of delegation emphasized that the position expressed in this statement would apply to several other resolutions. And that they would keep referring to this text along the final plenary.

¹⁵ It can be defined as "the right to security in and control over one's body", including "an affirmative right to enjoy the full potential of one's body, whether for health, procreation or sexuality. (Correa and Petchesky, "Reproductive and Sexual Rights: a feminist perspective", in Gita Sen, Adriane Germain, Lincoln C. Chen (eds), *Population Policies Reconsidered*, 1994, p. 113.

¹⁶ in BPFA. 1995, paragraph 96

¹⁷ For example, In May, 2005 the Brazilian government refused \$40 million of US funding for HIV/AIDS programs to protest a contingency that requires grantees to sign a pledge condemning any HIV/AIDS program that does not follow the ABC approach and also that may be used to provide assistance to any group or organization that does not have a *policy explicitly opposing* prostitution. For further information on this matter see *Michael M. Phillips and Matt Moffett, Brazil Refuses US Aids Funds, Rejects Conditions, WALL ST. J., May 2, 2005, at A3.*, and the *POLICY BRIEF: LEGAL AND POLICY RESTRICTIONS ON US GLOBAL AIDS AND TRAFFICKING FUNDING*, produced by the Center for Health and Gender Equity, in November, 2005 (<http://www.genderhealth.org/pubs/ProstitutionOathImplications.pdf>)

¹⁸ Act to provide assistance to foreign countries to combat HIV/AIDS, Tuberculosis, and Malaria, and for other purposes, Public Law, 108-25, (HIV/AIDS Act of 2003")

¹⁹ The HIV/AIDS legislation seeks to allocate \$15 billion for HIV/AIDS prevention and treatment in Africa and the Caribbean, in fulfillment of President Bush's 2003 State of the Union promises. The legislation sets the stage for the [US] President's Emergency Plan for HIV/AIDS Relief (PEPFAR), which was issued on February 23. (Girard, 2004)

²⁰ For detailed information on these policies read Girard 2004

²¹ United States Leadership against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, 22 USC. §§ 7601-7682 (2003) [hereinafter, Global AIDS Act].

²² Trafficking Victims Protection Reauthorization Act of 2003, 22 USC. §§ 7101-7110 (2003) [hereinafter, TVPRA].

²³ See Global AIDS Act, 22 USC. § 7631(e) (barring use of funds to "promote or advocate the legalization or practice of prostitution or sex trafficking"); TVPRA, 22 USC. § 7110(g) (1) (barring use of funds to "promote, support, or advocate the legalization or practice of prostitution").

²⁴ Global AIDS Act, 22 USC. § 7631(f).

²⁵ See United States Leadership against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, 22 USC. § 7631(f) (2003) [hereinafter, Global AIDS Act]; Trafficking Victims Protection Reauthorization Act of 2003, 22 USC. § 7110(g) (2) (2003) [hereinafter, TVPRA].

²⁶ TVPRA, 22 USC. § 7110(g) (1).

²⁷ TVPRA 22 USC. § 7110(g) (2) (2003).

²⁸ Regarding these policies the *POLICY BRIEF: LEGAL AND POLICY RESTRICTIONS ON US GLOBAL AIDS AND TRAFFICKING FUNDING*, produced by the Center for Health and Gender Equity, in November, 2005 explains and alerts for the fact that "these policies run contrary to best practices in public health and will undermine efforts to stem the spread of HIV and human trafficking". A strong argument is given for that is that "organizations with the most effective anti-AIDS and anti-trafficking strategies build their efforts on providing persons in prostitution with new skills essential to moving out of the commercial sex sector, to secure the legal rights of men and women in prostitution to be free from violence and discrimination, or to empower them to demand universal condom use, thereby preventing the further spread of HIV infection within and outside this sector. They may also work to prevent people from being trafficked into the sex sector and to assist trafficking victims. Requiring organizations to adopt these policies makes it extremely difficult, if not impossible, to establish the trust necessary to provide services to these hard-to-reach groups. It is critical to address the dangers associated with prostitution and trafficking in persons. However, current US policies will do little to advance this goal, and will instead exacerbate stigma and discrimination against already marginalized groups. Any anti-prostitution declaration by organizations working in the sex sector has the potential to judge and alienate the very people these organizations seek to assist, making it difficult or impossible to provide services or assistance to those at risk. Public statements against prostitution can also fuel the public opprobrium against men and women in prostitution, further driving them underground and away from lifesaving services. (The full text can be accessed in <http://www.genderhealth.org/pubs/ProstitutionOathImplications.pdf>). Accessed Feb, 10, 2006.

²⁹ The final plenary statements of position, as well as the list of co-sponsor countries are not available in text format, the ones mentioned in this article were therefore taken from the CSW recorded video of the final plenary. This applies to 1) The speech of the Chinese delegation referred above; 2) the statements of position of the following countries mentioned in the article: United Kingdom; The Netherlands and Paraguay 3) the list of co-sponsor countries of the referred resolution. The video can be accessed by www.un.org/webcast/csw2005/statements.html. (Accessed on 2nd February, 2005).

³⁰ UN General Assembly resolution 55/25, annex II.

³¹ According to the Palermo Protocol “exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

³² The first version of the US proposed text on this resolution did not mention the Palermo protocol directly. It recalled General Assembly Resolution 59/166 that does give a reference to the Palermo protocol.

³³ Summary of the content of the statement “Trafficking in human beings statement on the US draft resolution entitled “eliminating demand for trafficked women and girls”, prepared by the Trafficking in human beings caucus and distributed during the 49th CSW.

³⁴ Among them South Africa that , would also play a key role in regard to S&RH&R related issues in the negotiation of the second resolution presented by the US.

³⁵ The Cuban delegate mentioned as well that all the amendments then being proposed by his delegation had already been presented during the informal consultations. This reinforced the complaints made by other countries in respect to the method used by the US to conduct the negotiations.

³⁶ Country Members of the Rio Group: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Ecuador, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela and Guyana, on behalf of the Countries of the Caribbean

³⁷ As usual, some countries asked the floor after the adoption of the Mexico Consensus to make reservations such as: El Salvador stated that “*We reiterate our reservation to paragraph 6 (xi) of the present declaration, specifically the sentence beginning ‘Review and implement legislation’, as its wording is incompatible with the provisions of our Constitution, article 1, concerning the human person, which recognizes as a human person any human being from the moment of conception.*” And, the US – that attended the ECLAC as observer -, also made the following reservation: “*The United States wishes to associate itself with the numerous delegations that made reservations or statements of interpretation on both the Fourth World Conference on Women and the International Conference on Population and Development, as well as other major UN conferences, as regards the terms “reproductive rights”, “sexual rights”,¹ “reproductive health”, “reproductive health care and services”, “family planning services”, and “sexual health.” The United States understands that the word “reaffirming” in reference to the Platform for Action of the Fourth World Conference on Women, the Programme of Action of the International Conference on Population and Development, or any other reference to the UN conference documents does not constitute a reaffirmation of any language in those documents that could be interpreted as promoting abortion or the use of abortifacients*”. (United Nations/ECLAC,2004).

Reservation entered by Nicaragua: “*With reference to the terms contained in page 2, paragraph 3, and in page 4, paragraph 6 (xi), Nicaragua accepts these terms provided that this acceptance does not affect its reservations to the Programme of Action of the International Conference on Population and Development (Cairo, 1994) and the Platform for Action of the Fourth World Conference on Women (Beijing, 1995).*” The full text of these reservations will appear in the report of the ninth session of the Regional Conference on Women in Latin America and the Caribbean. Declare that the Mexico City Consensus shall constitute the region’s contribution to the work of the Commission on the Status of Women at its forty-ninth session, to be held in March 2005;

³⁸ Extracted from a statement delivered by the *Latin American and Caribbean Women’s Networks and Coalitions during the 49th CSW*

³⁹ The part of the Swedish statement in the 49th CSW that refers to HIV, for example, emphasizes the use of condoms as essential part of the “*preventive work*” (not aligning, therefore, with the US ABC approach). The part of the Swedish statement in the CSW on this matter read as follows: “*Women need to have means to protect themselves from unwanted pregnancies and sexually transmitted infections, in particular HIV. An essential part of this preventive work is that everyone has access to sexuality education as well as condoms and other contraceptives*”.

⁴⁰ Harvard School of Public Health, (ed) Gita Sen, Adrienne Germaine and Lincoln Chen, 1994, Boston

⁴¹ On April 1, 2005, the legislation prohibiting the purchase of a sexual service was extended to include cases where the payment has been promised or made by some one else. (Sweden, Government, 2005).

⁴² As of January 1, 1999, Sweden criminalized the demand for prostitution. This means that “*purchasing – or attempting to purchase*⁴² – *sexual services in Sweden constitutes a criminal offence punishable by fines or up to six months imprisonment. The women and children who are victims of prostitution and trafficking do not risk any legal repercussions. According to opinion polls conducted by SIFO, public support for the law is widespread and growing. (Ibid). The Swedish model supports that “prostitution and trafficking in human beings requires a demand among men for women and children, mainly girls. If men did not regard it as their self-evident right to buy and sexually exploit women and children, prostitution and trafficking in human beings for sexual purposes would not exist. [...] Poverty, inadequate education, homelessness, drug dependency and sex- and racial discrimination are recurring themes in the personal histories of women and girls who are, or have been, prostituted.” (Ibid)*

⁴³ Extracted from the fact sheet distributed during the CSW, entitled: “*What is ‘demand’ in the context of Trafficking in Persons?*”, prepared by *Sex Workers Project at the Urban Center, Network of Sex Work Projects, and Prostitutes of New York*, March 2005, for Beijing +10.

⁴⁴ *Idem*

⁴⁵ *Idem.*

⁴⁶ The panelists of the “*Primary Public Scholl on Sexualities*” were? Alejandra Sardá (ILGHRC), Graciela Rodriguez (AFLUENTES), Lohana Berkings (ALLIT), Perla Vasquez (REDLAC) and Sonia Correa, (DAWN).

⁴⁷ In an interview done with Lohana in 2003 to the Web journal *Gay City News*, she said: “*First off, I don’t want to be a woman, but a travesty, neither man nor woman,” she said, through a translator and using the common Argentine word for transsexual. “Even though I am self constructed as feminine, I am not a women and I don’t want to identify as a woman. If I were born again, I would want to be travesty. If I wanted to be a woman, I would be saying that travesties are ugly. Identities are purely political constructs, but you ought to have the freedom to enter or exit any identity you wish.” (BERKINGS. L. 2003)*

⁴⁸ This challenge can be also seen as linked to the previous one and can be applied, for example to the difficulty in having transgender activists working in partnership with feminists. In 2005, this was a major debate in the 10th feminist meeting of Latin America and the Caribbean. The Network ILGHRC has released a letter to circulate around feminists entitled: *Why we want the opening of the feminist meeting to trans people* . On main argument of this letter was that “If the identities are auto-defined and political, and if gender is a construction, it may be apply to everybody, trans or not trans. Even accepting the premise of one can only be a feminist been herself woman, if a person itself defines herself as trans woman and feminist, we do not have no authority to say that she is not, and close the doors for their participation in our spaces. Free translation from Portuguese to English . For more information contact the website <http://www.iglhrc.org>.