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# SEXUALITY & HUMAN RIGHTS

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**HMRT (Human Rights) 25200, GNDR (Gender Studies) 26101**  
**University of Chicago**

**Sheldon Bernard Lyke**

Lecturer

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## OVERVIEW

This seminar explores the burgeoning awareness of gender and sexuality in international human rights protection focusing on topics such as sexual orientation, culture & rights, non-discrimination & HIV/AIDS, violence, discrimination in employment, migration & mobility, and sex workers. This course takes an interdisciplinary perspective; examining sexuality and human rights from the social sciences, law, media, literature, and the humanities.

In addition, this seminar examines newly-evolving theory and activism regarding sexuality and human rights. The questions considered in the seminar include: Is sexuality a human right? What are the advantages and disadvantages of making rights claims? How might claims to sexual rights be grounded in traditional human rights conventions and activism? How have human rights groups advanced innovative rights issues with sexual dimensions (for example, sexual violence and sexual/reproductive health issues), and to what ends? What tensions arise between the universalistic tendencies of rights discourse and the historically and culturally specific nature of sexuality? This seminar examines texts about human rights and sexuality, as well as activist efforts to employ texts and conventions in daily practice and organizing.

## OBJECTIVES

This course works hard to fulfill the goals of the University's Human Rights Program—one of which is to approach the concept of human rights from a multitude of perspectives. This course attempts to bridge the gap between academia and human rights practitioners by examining not only academic texts, but also readings from international law bodies and NGOs.

Additional course-specific objectives include the following:

1. To explore the underpinnings of the concept of sexual human rights and various critiques of this concept.
2. To understand the potential tension between the protection of state sovereignty and the promotion of sexual human rights.
3. To help students develop and improve their written and verbal communication skills

## REQUIREMENTS

Paper (10-12 pages)	50%
Class Participation	25%
2 Critiques (1-3 pages)	15%
Class reading list/bibliography	10%

### Paper

Students are expected to write a term paper that deals with some issue relevant to the study of sexuality & human rights. This paper may draw from topics covered in class, but this is not required. Students are required to write: (1) an outline for the paper in advance, which describes the research question or agenda, (2) submit a tentative bibliography, and (3) submit rough and final drafts of the paper.

I hope that all students will use these papers as a springboard for submissions to the 2004 Ignacio Martin-Baró Prize competition, sponsored by the Human Rights Program. The undergraduate who submits the winning essay will win \$250. Father Ignacio Martin-Baró held a doctorate in social psychology from the University of Chicago and was an educator, writer, and human rights activist in El Salvador. He was murdered in 1989.

### Class Participation

Class Participation is MANDATORY. Students are not only required to come to class, but to also participate and contribute to class discussions. Class attendance counts for 10% of your grade, whereas participation in discussion and demonstrating familiarity with the readings counts for 15%. Students are expected to read and prepare for class.

### Critiques

Students are required to submit rough drafts of their papers to the class in weeks 9 & 10. At this time you are required to read and offer criticism on two other students' rough drafts. Your written critiques should be at least one full page, but no more than three pages.

### Class reading list/bibliography

Students are required to come up with a potential topic for one of our classes for Week 9. You are required to pick a topic on sexuality and human rights, and provide an annotated bibliography of 3-4 sources and their accompanying human rights documents or court cases.

### Extra Credit

Students can receive extra credit which can equal up to a 1/3 letter grade increase. Before each class, I will allow 15-20 minutes to discuss current events with respect to sexuality and human rights. Students are encouraged to bring news (i.e. news paper clippings) to discuss contemporary sexual human rights issues in the US and abroad. Additionally, students can identify documentaries, music videos, literature, etc. and make short presentations to the class. Please note that **extra credit is cumulative**. It requires students to enrich the class the entire quarter. Simply making one or two presentations will not earn a student the maximum extra credit. For more information, talk to me.

# CLASS SCHEDULE AND READINGS

## WEEK 1

### **Introduction**

This first session will serve as a basic overview of the course (aims, requirements, etc). We will begin the course surveying and discussing audio/visual presentations with sexuality and human rights themes. Material will likely include excerpts of various films, songs, videos, etc.

This first week will also familiarize students with the international human rights system and history, and discuss the declarations and treaties that comprise its legal system.

The question that this week approaches is: What are rights? And what is the int'l HR system?

### READINGS

#### **Declaration of Sexual Rights**

[http://www1.umn.edu/urelate/datebook/1999/99\\_10sexualrights.html](http://www1.umn.edu/urelate/datebook/1999/99_10sexualrights.html)

#### **A New Bill of Sexual Rights and Responsibilities**

<http://www.americanhumanist.org/about/sexual-rights.html>

#### **Sex Panic Declaration**

<http://gaytoday.badpuppy.com/garchive/events/111797ev.htm>

#### **United States of America Bill of Rights**

<http://memory.loc.gov/const/bor.html>

#### **Universal Declaration of Human Rights of 1948**

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

#### **International Covenant on Civil and Political Rights**

[http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm)

#### **International Covenant on Economic, Social and Cultural Rights.**

[http://www.unhchr.ch/html/menu3/b/a\\_cescr.htm](http://www.unhchr.ch/html/menu3/b/a_cescr.htm)

## WEEK 2

### **Defining Sexual Rights**

### READINGS

Alice M. Miller, 2000. "Sexual but not Reproductive: Exploring the Junctions and Disjunctions of Sexual and Reproductive Rights." *Health and Human Rights*, v/ 4. no. 2: 68-109.

Rosalind P. Petchesky, 2000. "Sexual Rights: Inventing a Concept, Mapping and International Practice." Pp. 81-103 in Richard Parker, Regional Maria Barbosa, and Peter Aggleton, eds., *Framing the Sexual Subject: The Politics of Gender, Sexuality and Power*. Berkely: University of California Press.

## **WEEK 3**

### **Refugees and Asylum Seekers**

#### **READINGS**

Lauren Gilbert, 1995. "Rights, Refugee Women & Reproductive Health." *The American University Law Review*, v. 44, no. 4: 1213-1252.

Suzanne B. Goldberg, 1993. "Give me Liberty or Give Me Death: Political Asylum and the Global Persecution of Lesbians and Gay Men." *26 Cornell International Law Journal* 605.

Human Rights Watch, 2000. *Seeking Protection: Addressing Sexual and Domestic Violence in Tanzania's Refugee Camps*. New York: Human Rights Watch.

*In re Fauziya Kasinga*

Dep't Justice, Board of Immigration Appeals, en banc, 1996. File A73 476 695.

UN Convention Relating to the Status of Refugees

Protocol Relating to the Status of Refugees.

## **WEEK 4**

### **Sex Workers and Sex Workers' Rights**

#### **READINGS**

Kamala Kempadoo, 1998. "Introduction: Globalizing Sex Workers' Rights." in K. Kempadoo and Jo Doezema, eds., *Global Sex Workers: Rights, Resistance, and Redefinition*.

Paulo Henrique Longo. "The Pegação Program: Information, Prevention and Empowerment of Young male Sex Workers in Rio de Janeiro." in K. Kempadoo and Jo Doezema, eds., *Global Sex Workers: Rights, Resistance, and Redefinition*.

Ann Jordan, 2000. "Commercial Sex Workers in Asia: A Blind Spot in Human Rights Law," in K. Askin and D. Koenig, eds., *Women and International Human Rights Law*. New York: Transnational Press.

Geetanjali Misra, Ajay Mahal, and Rima Shah, 2000. "Protecting the Rights of Sex Workers: The Indian Experience." *Health and Human Rights*, v. 5, no. 1: 89-113.

Cynthia Mellon, 1999. "A Human Rights Perspective on the Sex Trade in the Caribbean and Beyond," in Kamala Kempadoo, ed., *Sun, Sex and Gold: Tourism and Sex Work in the Caribbean*.

## **WEEK 5**

### **Sex Trafficking**

#### READINGS

Janie Chang, 1998. "Redirecting the Debate over Trafficking in Women: Definitions, Paradigms, and Contexts." *Harvard Human Rights Journal*, v.11: 65-107

Jo Doezema, 1998. "Forced to Choose: Beyond the Voluntary v. Forced Prostitution Dichotomy," in K. Kempadoo and Jo Doezema, eds., *Global Sex Workers: Rights, Resistance, and Redefinition*.

President Bush's Speech to the UN General Assembly September 23, 2003.

## **WEEKS 6 & 7**

### **Sexual Orientation**

#### READINGS

Neville Hoad, 1999. "Between The White Man's Burden and the White Man's Disease: Tracking Lesbian and Gay Human Rights in southern Africa." *GLQ: A Journal of Gay and Lesbian Studies*, v. 5, no. 4: 559-84.

Amnesty International, 1997. *Breaking the Silence: Human Rights Violations Based on Sexual Orientation*. London: Amnesty International.

Ian Lumsden. Ch.4 "Homosexuality and the Law." And Ch. 7 "Gay Life in Havana Today." in. *Machos, Maricones, and Gays: Homosexuality in Cuba*.

*Bowers v. Hardwick*,  
478 U.S. 196 (1986)

*Dudgeon v. United Kingdom*  
45 Eur. Ct. H.R. (1981)

*Nicholas Toonen v. Australia*  
UN Human Rights Committee, U.N. Doc. CCPR/c/50/D/488/1992 (1994)

*Lawrence v. Texas*,  
123 S.Ct. 2472 (2003)

## **WEEK 8**

### **Sexual Health: Emphasis HIV/AIDS**

#### READINGS

Edwin Cameron. "The Deafening Silence of AIDS," *Health and Human Rights*, Vol. 5, No. 1, 2000.

Available online:

<http://www.hsph.harvard.edu/fixcenter/V5N1cameron.htm>

Sofia Gruskin, 1995. "Negotiating the Relationship of HIV/AIDS to Reproductive Health and Reproductive Rights." *The American University Law Review*, v. 44, no. 4: 1191-1206.

Geeta Rao Gupta. "Gender, Sexuality, and HIV/AIDS: The What, the Why, and the How." Plenary Address, Global Congress on HIV/AIDS. Durban, South Africa. July, 12, 2000. Online version available at [www.icrw.org](http://www.icrw.org).

## **WEEK 9** **WILD CARD**

## **WEEK 10** **Course Wrap-Up. Review of Course Themes. The Big Picture.**

All too often courses do not take enough time to process the material presented. We will take the time to review the various themes of the class, finish unfinished conversations, and re-read pertinent texts—all in an effort to gain a better understanding of the big picture of human rights and sexuality.