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# TRUTH CLAIMS

*Representation  
and Human Rights*

*Edited by  
Mark Philip Bradley  
and Patrice Petro*



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# The Transnational Geography of Sexual Rights

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**S**EXUAL rights represent a recent and controversial extension of rights discourse into apparently new terrain. Activists worldwide have invoked the phrase “sexual rights” to recognize a wide array of rights: the right for women to refuse marriage; for groups to have publicly visible alternative sexual cultures; for girls to escape virginity exams or genital cutting; for sex workers to sell their services legitimately; for wives to choose when to engage in intercourse, and whether to use contraceptives; for access to employment, housing, and medical care free from discrimination based on sexual orientation or gender identity (e.g., as transgender or transsexual); and so on. The mobilization for sexual rights thus spans multiple dimensions of the sexual. Sexual rights refer variously to sexual orientation, gender identity, intimate relations, erotic practices, health, reproduction, bodily integrity, autonomy, and the potential for pleasure.

It should not be surprising, then, that formulations of sexual rights are hardly codified or uniform at this point. Indeed, the significance and complexity of sexual rights lie not just with the “sexual,” but with the “rights.” What is entailed by the choice of the category of rights as the frame for political claims, especially for non-normative forms of sexuality or for women’s sexual freedom in particular? The use of rights discourse, including human rights discourses, is not self-evident. Few, if any, undisputed precedents for sexual rights exist in international instruments or, for the most part, in national laws. Moreover, it is rarely transparent what the outcomes of any specific human rights claim will be, let alone a claim in such a fraught zone as sexual politics.

What appears to be unfolding under the rubric of sexual rights is an emergent and tentative new conceptual bundle oriented in several overlapping, but also potentially conflicting, directions. Having been a partisan observer to transnational efforts for sexual rights, I here discuss a set of projects that interprets sexual rights in relation to human rights regimes, especially those oriented to nonnormative sexual behaviors and identities, notably those associated with same-sex sexuality, and to the sexual dimensions of women's rights in particular, including those of lesbians.<sup>1</sup> These projects attempt to harness the force of human rights by working through rhetoric and instruments that are available or developing in international forums, chiefly the United Nations and its orbit.

Rather than making the case for sexual rights here, I apply a geographic and ethnographic perspective to these mobilizations, understanding them in relation to broader social and historical contexts. Specifically, I consider how sexual rights projects have been generated, channeled, and resisted in relation to globalization (a shorthand for a range of phenomena and flows more or less associated with global capitalism). The field of sexual rights, I suggest, has a complex relationship to the processes of the global economy and the changing sovereignty of states. The claims for sexual rights have evolved out of intensified transnational networks and a fluctuating global political and economic landscape. Yet, at the same time that globalization indirectly generates the network and the logic that contribute to the formation of a sexual rights agenda, the global economy and the restructured state produce a backlash against and real obstacles to those very efforts. Sexual rights thus represent contradictions of the very transnational flows that produce them.

### Transnational Networks and Sexual Rights

Sexual rights projects take place within, and are also representative of, broader contests over the meaning of "rights" that have been produced by the sweeping changes to the contours and cultures of the state, civil society, and business in the era of globalization. Translating experiences into needs and needs into rights is a political struggle that plays out in an influential context of representations, frameworks, institutions, and relationships. The very inclination to frame as "rights" certain needs, barriers, and experiences testifies to the transnational developments of an international civil sphere, the rise of nongovernmental organizations (NGOs), and the ascendance of liberal democratic discourse over other political logics.

In the post-1989 political climate, characterized by a marked move away from socialist alternatives and the increasing attention worldwide to the components of democracy, there has been a proliferation of NGOs alongside growing formal and informal coalitions whose reach extends across national and regional borders. As the urban sociologist Saskia Sassen explains, we are seeing "the formation of new

transnational legal regimes and regulatory institutions," including international human rights.<sup>2</sup> The emergence of transstate networks and flows constitutes one part of the reformulation of the borders and powers of the nation-state. Some of the powers of sovereign government have been transferred to the private sector, to "nonstate actors," and to international bodies: not only the powerful World Trade Organization (WTO) or Chrysler-Daimler-Benz, but also the World Health Organization (WHO), Planned Parenthood, Catholic Relief Services, or the United Nations Development Fund for Woman, UNIFEM.

The framing of sexual rights has emerged in this context, developed by multiple groups of activists acting within particular institutional settings and crystallized in quite delineated events. Over the past few decades, key transnational conferences have served as critical venues for the evolving formulation of sexual politics. As early as the 1970s, activists interested in sexual politics began organizing regionally and transnationally at international conferences for sexologists, lesbians, or gay and lesbian activists, and especially at the 1975, 1980, and 1985 UN conferences on women.<sup>3</sup> The interpretation of sexual rights as a form of human rights consolidated in the 1990s over a span of UN conferences: the 1993 Vienna Conference on Human Rights, the 1994 International Conference on Population and Development in Cairo, the 1995 World Summit for Social Development in Copenhagen, and the 1995 Fourth World Conference on Women at Beijing. Such meetings provided an important stage for international activists, especially from the global south, to meet and strategize, and to voice their concerns about sexual issues.

At least three arenas of international work have contributed to framing sexual rights as human rights: (1) human rights advocates, especially those critically reframing women's rights as human rights; (2) the fields of health, population, and violence, again, especially concerned with women's issues; and (3) international organizing in the name of gays and lesbians or "sexual minorities." However, there are few NGOs dedicated expressly to sexual issues, and so the conversations, strategies, and lobbyists for sexual rights have emerged by and large out of unofficial networks comprised of individuals working for different government bodies, UN agencies, and NGOs. Their efforts take place in and around demanding full-time work for NGOs or the UN, typically after hours or during breaks, and in such marginal and unofficial places as hallways, hotel rooms, off-site offices, or restaurants. Given the backstage quality of most of this organizing, it is perhaps surprising that the sexual rights issue has achieved the prominence it has.

What I want to suggest is that these contexts—the historical moment and the particular institutions, networks, and venues for organizing—have shaped the form and content of sexual rights proposals. Such traces are evident from the location of sexual rights issues in international discussions. Interestingly, one of the most significant arenas for sexual rights discussions has been in the fields of family planning and reproductive health. Thus, the Cairo conference on population in fact

provided one of the most significant moments for advancing sexual rights claims. At the Beijing conference, the terms “sexual orientation,” “lesbian,” and “sexual rights” were scattered in different areas of the NGO proposals for the official conference report but especially clustered in sections dedicated to health and violence. Sexual rights issues therefore are expressed within and through the themes and priorities that have already been established by UN or other authorities; such categories as reproductive health themselves have emerged from, and resonate with, more conventional concerns, such as population control.

It is worth recalling that many of the issues being united under different versions of sexual rights have already been articulated through other political vocabularies and vehicles. (Indeed, many radical gay, queer, or feminist activists would not look to the state as a source of relief or redress in the area of sexuality.) Sexual liberation, sexual freedom, sexual politics, or the politics of sexuality all represent rubrics for political interventions around sexual matters. In her genealogy of lesbian rights in Mexico, Claudia Hinojosa writes, “Rarely did we claim ‘rights’ in the earlier years of the movement”; instead, she says, Mexican activists followed the political or economic rhetoric of the day, criticizing “sexual misery” and “the totalitarian sexual system” and calling for “a free sexual option” and “voluntary motherhood” for women.<sup>4</sup> At the 1995 Beijing conference, some NGOs suggested that the official document, the Platform for Action, focus on including the phrases “sexual autonomy,” “sexual orientation,” or “lesbian rights,” not necessarily “sexual rights.” A specific issue, such as the question of a woman’s ability to decide how many children to have (which of course hinges on her ability to negotiate coitus and contraception), has been addressed with reference to population control, family planning, reproductive health, literacy, and economic development. Framing this crucial ability not only in relation to sexuality, but also in relation to rights (as both reproductive rights and sexual rights), marks a more general shift in political discourse and tactics.

The increasing use of rights discourse testifies to its increased salience for all manner of political struggles at this historical juncture. Part of the attraction of human rights may for some lie in the presumably universal moral understandings that underpin its discourse and practice. In my experience, however, the mobilizations for sexual rights do not necessarily assume, nor are they always based on, appeals to transhistorical, universal conceptions of human rights. From a practical point of view, human rights are relevant to sexual rights projects because they offer one of the most viable, legible, and morally powerful—if not legally enforceable—avenues for political enfranchisement. It makes sense to see their appeals to rights as an apt—if potentially problematic (as I discuss later)—political strategy, particularly in the constraining context of the UN and regional and government bodies.

In this light, the fact that sexual rights have not been officially defined is not registered as a failure. Women’s NGOs, for example, appear to have evolved “tacit

agreement” about the language and formulations concerning sexuality in various international documents. They have been able to “include the concept of sexual rights before the ‘movement’ had reached a consensus on its full meaning.”<sup>5</sup> This strategy does not require a majority opinion (or universal values) in order to shift the debates and create room for further mobilization.

One of the few reference points for sexual rights advocates internationally—actually, the crowning achievement by way of international norms—is the hard-won and conflict-ridden paragraph 96 of the Platform for Action prepared at the 1995 Fourth World Conference on Women: “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.” Tellingly, this paragraph does not name sexual rights in the letter, but feminist NGO workers pragmatically employ it as a vital resource for organizing and policy that can realize the spirit of sexual rights. Thus, a cross-issue, cross-regional coalition constructs sexual rights as a flexible rubric that potentially combines, recasts, and links a range of disparate issues that may not have been previously framed primarily in relation either to sexuality or to rights.

Moreover, feminist framings of women’s sexual rights often explicitly question the purely individualistic, contract tradition of rights. Conceiving women’s human rights required rethinking the public-private divide that characterizes the interpretation of rights as freedom from government intervention or as a positive mandate for individual freedom vis-à-vis the state.<sup>6</sup> Women’s rights activists, including those working on health, development, and violence, reframe individual rights in favor of social rights. Feminist theorists and activists also challenge the formalist assumptions of liberal rights conventions and instead emphasize the substance of rights—asking not only if and how rights are enshrined in law, but also whether they are able to be realized or enjoyed. What is more, these proponents of women’s rights in general argue that human rights are indivisible—inextricable—from questions of economic, cultural, and social rights, and that sexual issues are part of this basic bundle of needs. As Amnesty International writes, to understand and respond to abuses of women’s human rights “requires looking at how gender interacts with other aspects of identity and a woman’s relationship to her community—color, age, class, ethnicity, sexual identity (which can include her sexual orientation), nationality or status as a migrant or refugee, as well as health status.”<sup>7</sup>

Such calls for human rights identify the UN and other supranational bodies and an imagined “international community” as the larger authority for political action. This means that a growing range of actors is looking past their national governments to the international arena for resources, recognition, and leverage. For example, an Australian citizen successfully brought to the UN Human Rights Committee a complaint against a law prohibiting consensual male homosexual sex in Tasmania; the UNHRC ruled that the law violated the right to privacy and

equal protection under the International Covenant on Civil and Political Rights.<sup>8</sup> In this way, sexual rights work, like other human rights projects, represents the reconfiguration of the territorial politics of nation-states.

Yet, however transterritorial, these efforts still significantly center on and in states.<sup>9</sup> After all, if successful, sexual rights would apply international norms to affect national and local situations, making states accountable not only for government policies and actions, but also for the actions of neighbors, families, or employers (nonstate actors) who breach rights concerning people's bodies and sexualities. National location matters in other ways. The fact that sexual rights lobbying, meeting, and organizing takes place within particular countries means that these activities are affected by immigration and visa policies, costs of living, local laws, and other pressures of their specific national sites. Politically, regional or international efforts for sexual rights continually—and often mutually—interact with particular national or domestic movements. For example, international activists point to select national legislation or legal cases as important international benchmarks for recognizing fuller citizenship for gays and lesbians; South Africa, the Netherlands, and recently Fiji and Ecuador have been key models.<sup>10</sup> For example, activists at the Beijing Plus Five meetings in 2000 invoked the South African constitution's recognition of sexual orientation to encourage the NGO forum to follow this lead. Global sexual rights organizers have garnered language, tactics, and leverage from these domestic struggles. At the same time, translocal collaboration at international forums informs local political strategies.

### The Contradictions of Transterritoriality

What I would like to propose is that this juncture of international/national or transterritorial/territorialized generates contradictions for many of the efforts to harness the powerful moral and political framework of rights. The global context and the concrete institutions of the UN and NGOs that make sexual rights politics possible—or that help produce it—also hinder those same mobilizations.

Consider the opposition to sexual rights, which has been a visible and vocal presence in international arenas. This commentary ranges from anxiety about the visible (or hidden) presence of lesbians at events, to doubt about the relevance of sexual matters in discussions of rights and development, to manifest distaste for raising the topic of sex at all. Even as such issues as sexual harassment, marital rape, forced trafficking, contraception, or sexually transmitted diseases are by now established if contested subjects in international venues, the subjects of sexual rights, sexual autonomy, and especially sexual orientation inspire much more resistance.<sup>11</sup> These controversial issues also are often disproportionately represented in public commentary. For example, similar reports that lesbians and prostitutes (in various

states of undress) would be descending on UN conferences appeared in 1985 in Kenya and in 1995 in Beijing.

It would be a mistake to read the opposition to sexual rights as inherently more local, authentic, or cultural than the claims for sexual rights themselves. Especially on the international stage, the critiques of sexual rights are political efforts, typically well funded and increasingly well organized, operating in conjunction with the powerful lobbies of transnational political and religious organizations. In many ways, these oppositional networks parallel those working for sexual rights, although the conservative efforts have more money, more actively accommodating government authorities, and a different mantle of legitimacy. They often operate directly from, or in close cooperation with, U.S. right-wing organizations and the Vatican, which occupies a powerful position in the UN as a quasi-sovereignty. At the Beijing Plus Five meetings in 2000, various international organizations, including an order of Christian monks, targeted NGO efforts for reproductive, sexual, and youth rights. They published a daily newspaper and dispatched representatives wearing buttons that read "Motherhood" to every meeting that addressed lesbian or sexual issues.

This organized opposition has been strategic in its criticisms of reproductive rights, sexual rights, and other women's rights. It charges the advocates of such rights with imposing a Western model on the world—with ethnocentrism and cultural imperialism; with promoting the breakdown of the family (hence the erosion of community, peoples, and nations); and with exacerbating materialistic individualism. For example, the International Right to Life Federation portrays the call for reproductive freedom and children's rights as a Western agenda and situates its movement in the global south, stating that "pro-life developing countries, mostly Catholic countries in Latin America and Islamic countries in North Africa and the Middle East, joined the Vatican" in this mission.<sup>12</sup>

Conservative networks present themselves as representing local, especially non-Western, concerns, and sexual rights advocates as the voice of Western elites. The U.S.-based anti-abortion lobby's image of "pro-life developing countries" is a rhetorical figure that subsumes the genuine diversity of viewpoints and politics (not to mention the diversity of sexual practices) into a national stance. That the Catholic regime and evangelical Christian operations claim to represent traditional values for postcolonial peoples and nations (typically erasing different sexual and gender norms that predate Christianity or colonial conquest) demonstrates one of the more successful discursive strategies in global politics.

Yet not all criticisms of sexual rights emanate from unabashedly conservative quarters. Some critical reactions arise within the international NGO world, from otherwise like-minded colleagues. Advocates focused on blatant violations of human rights or stark cases of human need often consider sexual rights inherently Western, a trivial concern or at best one that can be postponed. In development circles, the issue of sexuality often gets pitted against economic issues, in a pie

model of struggle that presents gains for sexual rights as losses for more substantial economic concerns. After Beijing, for example, U.S. NGO workers told me that the advance of lesbian and sexual rights at the UN conference came at the expense of economic justice.

While I do not agree with this political interpretation, I think it makes sense to pay attention to what critics of sexual rights are saying, explicitly and implicitly, especially when they share ground with sexual rights organizers. What seems to be informing their critiques is the sense that sexual rights are part of the very problem they are battling: that is, globalization, Westernization, or imperialism. The hostile descriptions of sexual rights as Western, selfish, and destructive might also be understood as critiques, if often inchoate, of materialism, capitalism, modernization, individualism, and the disproportionate cultural power of the United States and the West. Such sentiments get expressed in NGO and governmental discussions. The Holy See suggests that progressive NGOs' choice of language representing "a diversity of family forms"—something endorsed by many NGO representatives from the Caribbean as well as lesbian advocates from Latin America, Asia, and the global north—represents a Western agenda. Much of the reaction to sexual rights betrays a concern with shoring up cultural and community values against an onslaught of global forces and Western values. These concerns in fact do reflect real changes in the sovereignty of nations and communities (and, some might add, patriarchal authority) that have been wrought by a neoliberal global economy.

What is clear is that sexual rights are associated with the forces of global capitalism. The occasional support for sexual rights on the part of northern governments or multilateral organizations only reinforces that association. At the closing of the 2000 World Trade Organization meeting in Washington, D.C., which had been plagued by protests in a style the U.S. press has come to associate with the AIDS group ACT-UP (hence with gay, lesbian, and queer mobilizations), the World Bank announced a serious commitment to addressing the AIDS epidemic worldwide. HIV/AIDS is not the same as sexual rights, but this gesture certainly invites (and to the cynical might be based on) the conflation of gays and lesbians (or sexual rights), direct action, and first-world demands for social justice with the single issue of AIDS. Thus, the attention to AIDS in a forum dedicated to promoting free trade could be read as co-opting or preempting more wide-ranging activist efforts. To an outside observer, particularly one dependent on international mass media, sexual rights advocacy can often be seen as collaborating with the interests of northern economies and global capital.

As this example makes clear, it is important to remember that struggles over rights take on meaning within broader cultural landscapes. Mass media, popular culture, and the Internet all influence the interpretations of rights. Such cultural discourses help establish and define the legitimacy and legibility of different claims, the entitlements of various populations, and the validity of specific movements. In

the case of sexual rights, transnational commercial culture has obviously shaped the perceptions of what sexual freedom means. As much NGO organizing is conducted in the United States, sexual rights projects can hardly avoid being associated with the country's reputation for hypersexual culture, rugged individualism, and commodified values. Advertising, movies, pornography, and popular cultural imagery in turn reinforce the idea that sexuality is part of capitalist freedom. In the emerging economic calculus of citizenship, commercial representation can stand in for political representation. For example, in the United States, the now ubiquitous image of gays and lesbians on television presents a misleading picture of their political and cultural enfranchisement.<sup>13</sup> Alternatively, North American feminists have a schismatic reputation: dour, politically correct prudes at home, they quickly transform into hypersexed prostitutes and lesbians abroad. As feminist principles have become staple components of first-world and multinational corporate advertising ("Just do it," "You've come a long way, baby") this "mass-marketed pop feminism" shapes much of the understanding of feminist politics worldwide.<sup>14</sup>

Seeing the reactions against sexual rights in their historical and social contexts, I suggest, clarifies some of the nature and the force of this opposition. The dramatic and well-chronicled changes of the new world order have created an anxious awareness that the norms, boundaries, and legitimacies of all kinds of established regimes are in flux worldwide.<sup>15</sup> That bodies and sexuality, especially female ones, might come to stand as particularly potent signals of this flux is not surprising and is a virtual anthropological truism. As numerous feminists have argued, female bodies often signify borders of kin, community, people, and nations—ergo, they are often also symbols of international crises, for example, in the grave signification of ethnicity and nationalism wrought through female bodies in the former Yugoslavia. One could argue that the regulations and surveillance of corporeal and relational symbols—women's bodies, sex—increase in this context of flux.<sup>16</sup>

Feminist activists and postcolonial critics have begun deconstructing and countering such conservative body politics. They point out how selective the charge of Westernization is, noting that it is often the politically disenfranchised groups of women or other minorities whose engagements with national or international currents become identified as foreign, at times even a betrayal of local commitments. The condemnation of desires and expressions as Western and excessive and individualistic generally targets nonnormative, nonreproductive sexuality—rather than focusing on, for example, elite men's consumption of imported cars, liquor, or political ideologies.<sup>17</sup> Moreover, attacks on sexual and women's rights typically partake of and reinstate Western, modern, bourgeois categories and logic—the idea of established and homogenous cultural traditions, of governance based on a nation, and of the imagined separation of motherhood, family, and marriage from economic or political realms. But this growing body of feminist analysis also trenchantly argues that progressive feminist or gay and lesbian projects emanating from the West also risk recreating racial, national, or global power arrangements.<sup>18</sup>

## Rights and Economics

As my own analysis suggests, the conservatives are right in this way: sexual rights are connected with globalization—just as their own movement is. I suggest that advocates of sexual rights would benefit from considering more fully the implications of their complex relations to global reformulation of states, public spheres, and economies. The relation between human rights efforts and the global economy is paradoxical. The call for *proactive* and far-reaching state governance occurs at a time when the state is being rolled back and challenged, precisely in terms of welfare and enfranchisement for marginal, poor, or minority populations. As many state powers are being divested, reallocated, and privatized to accommodate the flows and needs of global capital, how realistic are the calls for an expanded state role in promoting the conditions for the enjoyment of sexual rights—say, for the state to take a role in transforming compulsory heterosexuality?

In addition to questions of states' powers, another question for sexual rights organizers concerns the very theory and logic of rights. The women's sexual rights advocates who are part of the progressive NGO and UN organizing I am discussing here take strong stances against structural adjustment and neoliberal economic policies. They also insist on a substantive vision of social rights and indivisible rights. Yet critics of sexual rights associate the issue with pro-market, pro-capitalist, materialist values. Partly this is the result of the images of sexual freedom discussed earlier. But it may make sense to ask: Is there any truth to this interpretation? Is it possible that sexual rights claims remain tied to problematic economics of liberal (neoclassical, neoliberal) frameworks? Critical legal theorists suggest that often smuggled within the general rubric of rights are assumptions about universal values and individual autonomy. Such principles inform the concepts of property in persons and bodily integrity that are cornerstones of the calls for sexual rights. Generally speaking, liberal rights theory is also predicated on certain conceptions of society that assume that, at least in official rhetoric, politics are separated from economics. Moreover, around the world, individual freedom has become closely equated with, if not conflated with, market economics and consumer choice. The prevailing discourse of rights, then, along with other globalizing discourses, hitches the promise of sexual freedom to market freedom.

In order to be legible and effective in the current climate, and because there is a virtual taboo on new rights, sexual rights organizers necessarily take their efforts through existing political instruments and rhetoric, vehicles that may reinforce a neoliberal logic.<sup>19</sup> It is worth noting that even relatively homophobic regimes have at times agreed that employers should not be allowed to discriminate on the basis of sexual orientation. Arguments facilitating people's participation in the workforce, in the spirit of a liberal economy, often enjoy the most credibility. Ironically, then, the very appeal to human rights hampers advocates' effectiveness in critically addressing the implications of transnational capital for their cause.

The most promising directions for sexual rights advocates to explore these implications build on the feminist arguments for rights as substantive and indivisible. Emphasizing the conditions by which people can or cannot realize their rights helps to show how the capacity to control one's body, fertility, and sexual activity are key to enjoying other basic rights—and vice versa. The World Health Organization frames HIV/AIDS prevention in terms of women's sexual rights, understood as indivisible from economic matters. WHO insists that "until the scope of human rights is fully extended to economic security . . . women's right to safe sexuality is not going to be achieved."<sup>20</sup> It would not be hard to demonstrate that sexual rights are critical to women's ability to realize economic rights: inheritance, security of property, a manageable number of children, a safe work environment, freedom from discrimination in employment, and so forth. Yet there has been little sustained discussion of these issues, and even when there is, the points about the materiality of sexual rights do not seem to translate to a wider audience.

Not surprisingly, the most consistent and far-reaching explorations of the economic dimensions of sexuality have emerged from the global south. The feminist alternative development group DAWN (Development Alternatives with Women for a New Era), for example, includes a discussion of sexual rights as an integral part of its agenda.<sup>21</sup> Others, like Claudia Hinojosa, explain how structural adjustment and the ensuing economic crisis directly impact sexual rights, in this case in Mexico: "The worsening of the economic situation heightened the difficulties for lesbians to gain the economic independence needed to live their lesbianism more openly." Hinojosa says lesbian activists internationally should "highlight the linkages between economic exclusion and the lack of access to sexual autonomy, in a prevailing setting that 'locks' women through marriage into an entire system that limits their sexual options."<sup>22</sup> These directions provide promising ground for addressing some of the concerns about sexual rights.

Sexual rights remain uncoded, precariously grounded in international texts and policies, still a formula in process. It makes sense to view the experiment with sexual rights as a strategy and process located in the interstices of the transstate nongovernmental projects that take place within, and are articulated with, particular states. Perhaps the greatest success of these efforts has been to generate new alliances, concepts, and linkages within the transnational networks of women's NGOs.

The key political struggles that are significant for sexual rights are waged in the domain of discourse and culture. Sexual rights mobilization makes the unspeakable, unspeakable subject of sexual bodies and practices spoken, visible, debated. The diverse efforts connected with sexual rights have propelled the subjects of sexuality, women's bodies, and personal intimacies explicitly into domains considered asexual, that is, into public and government view. At Beijing, during the final debates on the Platform for Action, governments had to pronounce on the matter of

sexual orientation, even if only to assert that they would not speak of it or did not know what it meant. Sexual rights advocates' aim is not to achieve visibility as a simple or unproblematic good, or to achieve a universal consensus, but to engage in an ongoing struggle over transnational norms. Yet, as I have suggested, transnational frames have simultaneously encouraged and curtailed the sexual rights movement's appeals to the discourses and institutions of human rights.

### Notes

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1. My partisan observations of the mobilizations for sexual rights began with several meetings in Thailand in 1994 designed to prepare for the UN Fourth World Conference on Women in Beijing and with the Thai lesbian group Anjaree. I also took part in some of the major forums for the development of sexual rights conversations: the 1995 preparatory committee in New York City, the 1995 Beijing conference, and Beijing Plus Five events around the UN's New York headquarters during spring 2000, as well as informal networks and conversations with relevant nongovernmental organizations (NGOs) and institutes.

On international efforts to challenge abuses of gays, lesbians, and same-sex practice in human rights terms, see, for example, Amnesty International, *Breaking the Silence: Human Rights Violations Based on Sexual Orientations* (New York: AI Publications, 1994); J. Wilets, "International Human Rights Law and Sexual Orientation," *Hastings International and Comparative Law Review* 18 (1994): 1-119.

On the sexual dimensions of women's rights, see, for example, Barbara Crossette, "Working for Women's Sexual Rights," *New York Times*, October 2, 2000. Articles providing in-depth discussion of international women's sexual rights work include Rhonda Copelon and Rosalind Petchesky, "Toward an Interdependent Approach to Reproductive and Sexual Rights as Human Rights: Reflections on the ICPD and Beyond," in Margaret A. Schuler, ed., *From Basic Needs to Basic Rights: Women's Claim to Human Rights* (Washington, D.C.: Women, Law, and Development International, 1995); Sonia Corrêa, "From Reproductive Health to Sexual Rights: Achievements and Future Challenges," *Reproductive Health Matters* 10 (November 1997): 107-116; Susana Fried and Ilana Landsberg-Lewis, "Sexual Rights: An Emerging Concept," in K. Askin and Dorean Koenig, eds., *Women's International Human Rights* (New York: Transactional,

1998), 99-121; Sarah Y. Lai and Regan E. Ralph, "Female Sexual Autonomy," *Harvard Human Rights Journal* 8 (1995): 201-228; Alice M. Miller, "Sexual But Not Reproductive: Exploring the Junction and Disjunction of Sexual and Reproductive Rights," *Health and Human Rights* 4 (2000): 69-109; Alice M. Miller, "Human Rights and Sexuality: First Steps Toward Articulating a Rights Framework for Claims to Sexual Rights and Freedoms," *American Society of International Law Proceedings* 93 (April 1999): 288-303; Alice M. Miller, AnnJanette Rosga, and Meg Satterthwaite, "Health, Human Rights, and Lesbian Existence," *Health and Human Rights* 1, 4 (fall 1995): 429-448; Rosalind P. Petchesky, "Spiraling Discourses of Reproductive and Sexual Rights: A Post-Beijing Assessment of International Feminist Politics," in J. Tronto, K. Jones, and K. Cohen, eds., *Women Transforming Politics* (New York: New York University Press, 1997), 569-587; Kristen L. Walker, "International Law Weekend Proceedings: Evolving Human Rights Norms around Sexuality," *ILSA Journal of International and Contemporary Law* (spring 2000).

On lesbian rights, see: Charlotte Bunch and Claudia Hinojosa, "Lesbians Travel the Roads of Feminism Globally" (New Brunswick, N.J.: Center for Women's Global Leadership, Rutgers University, 2000); Rachel Rosenbloom, ed., *Unspoken Rules: Sexual Orientation and Women's Human Rights* (New York: International Gay and Lesbian Human Rights Commission/Cassell, 1995); Ara Wilson, "Lesbian Visibility and Sexual Rights at Beijing," *Signs* 22 (autumn 1996): 214-218.

2. Saskia Sassen, "Toward a Feminist Analytics of the Global Economy," *Indiana Journal of Global Legal Studies* 4 (fall 1996): 7-41.
3. Such international forums include the Fourth World Sexology Congress held in Mexico City in 1979, the International Lesbian Information Service (ILIS) conference in Europe, which influenced subsequent Latin American and Asian regional lesbian networks, the meetings and activities of the International Lesbian and Gay Association (ILGA), and the International Gay and Lesbian Human Rights Commission (IGLHRC).
4. Hinojosa provides a sensitive consideration of the vocabulary and discourse for sexual politics. Claudia Hinojosa, "Expanding the Social Justice Agenda in Mexico: A Lesbian Feminist Perspective" (paper presented at the Latin American Studies Association, Chicago, 1998), 7-8.
5. Ilana Landsberg-Lewis and Susana Fried, "Sexual Rights: An Emerging Concept" (manuscript, 1997), 19.
6. See articles in J. Peters and A. Wolper, eds., *Women's Rights/Human Rights: International Feminist Perspectives* (New York: Routledge, 1995), and Rebecca J. Cook, ed., *Human Rights of Women: National and International Perspectives* (Philadelphia: University of Pennsylvania Press, 1994). However, by no means do all formulations of women's rights challenge prevailing liberal conceptions of individual political rights.
7. Amnesty International, *Respect, Protect, Fulfill Women's Human Rights: State Responsibility for Non-State Actors* (London: Amnesty International UK, 2000), 9.
8. *Toonen v. Australia*, Communication No. 488/1992, UN Doc. CCPR/C/50/D/488/1992 (1994). In 1997, Tasmania repealed its statute criminalizing same-sex relations.
9. For discussions of the enduring significance of grounded institutions, behaviors, and



- places in transnational phenomena, see, for example, Sassen, "Toward a Feminist Analytics," and Aihwa Ong, *Flexible Citizenship: The Cultural Logics of Transnationality* (Durham, N.C.: Duke University Press, 1999).
10. Protection against discrimination on the basis of sexual orientation is found in the constitutions of South Africa (1996, the first country to adopt such protection) and Fiji (1998, section 38[2] of the Bill of Rights). The Netherlands Equal Treatment Act of 1994 calls for protection against discrimination "on the grounds of religion, belief, political opinion, race, sex, heterosexual or homosexual orientation or civil status." In 1997 (several years after activists raised the issue of repression of sexual minorities before the Interamerican Commission on Human Rights of the Organization of American States), Ecuador repealed the law that criminalized same-sex sexual relations between consenting adults. For brief reports of political issues relevant to gays, lesbians, bisexuals, transgendered people, and HIV-positive people, see the International Gay and Lesbian Human Rights Commission at <http://www.iglhrc.org/world/index.html>.
  11. The subject of trafficking in women has received a relatively large share of attention from domestic governments (such as the United States) and in international venues, in part because of a presumed link with organized crime, and perhaps because the subject is often interpreted as a conventional appeal to protect women and girls. For activist research on the topic, see Siriporn Skrobaneek, Nattaya Boonpakdi, and Chutima Jantha-keero, *The Traffic in Women: Human Realities of the International Sex Trade* (London: Zed Books, 1997). For critiques of some attitudes toward sex work and sexuality in some of the trafficking discussions, see Kamala Kempadoo and Jo Doezema, eds., *Global Sex Workers: Rights, Resistance, and Redefinition* (New York: Routledge, 1998).
  12. Paul Tuns, "UN Grants New 'Sexual Rights,'" *Interim* (August 1999), <http://www.life-site.net/interim/1999/aug/lungrants.html>, 1. Accessed August 10, 2000.
  13. Suzanna Danuta Walters, *All the Rage: The Story of Gay Visibility in America* (Chicago: University of Chicago Press, forthcoming).
  14. Zillah Eisenstein, "Stop Stomping on the Rest of Us," *Indiana Journal of Global Legal Studies* 4 (fall 1996): 75-77.
  15. See Sassen, "Toward a Feminist Analytics."
  16. Three analyses of the place of women's bodies and sexuality in national and cultural crises, particularly in the aftermath of colonialism, are: Jacqui Alexander, "Not Just (Any)Body Can Be a Citizen: The Politics of Law, Sexuality and Post-Coloniality in Trinidad and Tobago and the Bahamas," *Feminist Review* 48 (autumn 1994): 5-23; Uma Narayan, *Dislocating Cultures: Identities, Traditions, and Third World Feminism* (New York: Routledge, 1997); Nira Yuval-Davis, *Gender and Nation* (Thousand Oaks, Calif.: Sage, 1997).
  17. See Alexander, "Not Just (Any)Body"; Narayan, *Dislocating Cultures*; Cynthia Roth-schild, *Written Out: How Sexuality Is Used to Attack Women's Organizing* (San Francisco: International Gay and Lesbian Human Rights Commission and the Center for Women's Global Leadership, Rutgers University, 2000). More controversially, Susan Moller Okin argues that claims for group rights often hinge on, and permit, abuses of women's rights. See her argument, and critical responses, in Susan Moller Okin, *Is Multiculturalism Bad for Women?* ed. Joshua Cohen, Matthew Howard, and Martha C. Nussbaum (Princeton, N.J.: Princeton University Press, 1999).

18. To date, there has been more critical attention paid to the ways that well-intentioned European and white/Anglo North American feminist projects unintentionally reproduce the logic and relations of colonialism, imperialism, and global capitalism than to those examining international gay and lesbian or queer efforts. For scholarly discussions, see, for example, Aihwa Ong, "Colonialism and Modernity: Feminist Re-Presentations of Women in Non-Western Societies," *InScriptions* 3/4 (1988): 79-93; Chandra Talpade Mohanty, "Feminist Encounters: Locating the Politics of Experience," *Copyright* 1 (fall 1987): 30-44; Chandra Talpade Mohanty and Biddy Martin, "Feminist Politics: What's Home Got to Do with It?" in Teresa de Lauretis, ed., *Feminist Studies/Critical Studies* (Bloomington: Indiana University Press, 1986), 191-212. For a critique of global gay tourism, see M. Jacqui Alexander, "Imperial Desire/Sexual Utopias: White Gay Capital and Transnational Tourism," in Ella Shohat, ed., *Talking Visions: Multicultural Feminism in a Transnational Age* (New York: New Museum/MIT Press, 1998), 282-305.
19. For an excellent discussion of the explicit and implicit place of sexuality in the vehicles and discourses of the World Bank (which often express putatively feminist aims), see Kate Bedford, "Promoting Restructured Partnerships: Gender, Sexuality, and Structural Adjustment in the World Bank" (master's thesis, Ohio State University, 2000).
20. World Health Organization, "Fact Sheet: Human Rights, Women, and HIV/AIDS," handout distributed at the United Nations, New York, June 2000. See also Mallika Dutts, Susana T. Fried, and Deevy Holcomb, comps., *From Vienna to Beijing: The Copenhagen Hearing on Economic Justice and Women's Human Rights* (New Brunswick, N.J.: Center for Women's Global Leadership, Rutgers University, 1995).
21. Sonia Córrea and Rebecca Reichman, *Population and Reproductive Rights: Feminist Perspectives from the South* (London: Zed, 1994).
22. Hinojosa, "Expanding the Social Justice Agenda," 10, 13.