

# Women's Sexual Autonomy

## Universality, Sexual Rights, and Sexual Orientation at

by Shelagh Day

*L'auteure examine trois thèmes qui sont devenus liés au cours des débats de la quatrième Conférence mondiale*

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*Conservative delegations refused to agree to language regarding the universality of women's human rights.*

*officielle sur les femmes : l'universalité des droits humains des femmes ; la reconnaissance des droits des femmes quant à l'autonomie sexuelle ; et, l'inclusion de références sur «l'orientation sexuelle» et les*

*droits des femmes exempts de discrimination. L'auteure démontre les liens qui unissent ces questions et elle relate les discussions des délégué(e)s des Nations unies concernant ces débats.*

Women's right to make autonomous decisions about their sexuality was recognized for the first time at the Fourth World Conference on Women, and the debate on the inclusion of "sexual orientation" turned out to be pivotal in securing this. In the course of the debate in Beijing, three issues became linked: the universality of women's human rights, women's right to make uncoerced choices regarding matters related to their sexuality, and women's right to be free from discrimination based on sexual orientation.

At regional conferences, the Preparatory Meetings in New York, and the Beijing Conference, there was a new push to secure the acknowledgment that the human rights of women include the right to decide freely on matters related to their sexuality, as well as their reproduction. Conservative delegations, who took exception to this, fought to weaken the language in the Platform for Action regarding the universality of human rights, and to assert that women's

human rights, particularly as they relate to matters of reproduction and sexuality, are subject to national laws, and to religious and cultural values.

"Sexual orientation" became a bargaining chip used by the contending forces. Progressive delegations argued that sexual orientation should be mentioned in the document, at least as one of the additional grounds on which women experience discrimination, and they insisted, until the last minute, on keeping it in. Meanwhile, conservative delegations would not countenance its inclusion, and refused to agree to language regarding the universality of women's human rights until "sexual orientation" was taken out of the text.

Because of the intensity of the struggle over these issues they were not finally decided until 4:30 a.m. on September 15, the last day of the Conference, after the first debate ever held in a United Nations forum on the subject of sexual orientation.

The result was that "sexual orientation" was dropped from the Platform, but new language on women's right to make free and uncoerced decisions regarding their sexuality was included. Since it will be important for women to build on this new language regarding sexuality, and to continue the struggle for explicit recognition of the rights of lesbians, this article examines the positions of both the proponents and the opponents of women's sexual autonomy, and provides a detailed description of the final debate on universality, sexual rights, and "sexual orientation."

### **The proponents of women's sexual autonomy**

It was clear to human rights activists concerned with women's sexual rights that it was necessary to work on all three of these issues—universality, sexual rights, and sexual orientation—

together at the Beijing Conference, because they were connected and each would be key to any advancement.

For the lesbians among these activists, of whom I am one, it was particularly important to work on all three issues. The fight for recognition of women's right to sexual autonomy encompasses the particular forms of oppression experienced by lesbians within the general problem of the sexual coercion faced by all women. Women's vulnerability to sexual coercion is a critical dimension of women's inequality. When women's sexual autonomy is not recognized, women are not recognized as fully independent human beings.

Many women are coerced into having unwanted relationships and unwanted sex with men by religious, cultural, and economic pressures, and by means of violence. Women who live alone because they are widowed, divorced, or because they do not marry are penalized socially and economically in many societies. Simultaneously, women are penalized for having relationships with women. The network of coercive forces that deny women the freedom to determine their sexual relationships with men, including whether to have lesbian relationships, are enforced by legislation ranging from underinclusive social and economic benefit schemes that are reserved for heterosexual couples, to government and police inaction to prevent women from being beaten and killed for being lesbian, or for leaving their husbands. Women will not have full human rights until they have autonomy over their bodies, their sexuality, and reproduction, including the freedom to have sexual relationships with women, and to bear and raise children without men.


The value of the lobby for recognition of women's sexual autonomy cannot be underestimated, since this is a threshold requirement for wom-

## the Beijing Conference

en's equality in every society. However, for lesbians, a drawback is that the right to sexual autonomy can be discussed as though it pertains only to heterosexual women, and lesbians

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can remain entirely invisible. Indeed, some member states were only prepared to talk about women's sexual autonomy in the context of heterosexual marriage, where,

presumably, it means to them that a woman should, in certain circumstances, be allowed to refuse to have sex with her husband. The forces that make heterosexuality compulsory, and, in particular, the penalties that lesbians experience for resisting the social imposition of heterosexuality, and for rejecting patriarchal forms of family life, can be left out of the debate.

By contrast, in the debate in Beijing over the inclusion of "sexual orientation" in the Platform for Action lesbians were highly visible. The drawback here, however, is that the issue is characterized as the need to protect the members of a vulnerable and despised minority. Lesbians are treated not as women, but as some not quite defined, but aberrant and endangered, life form. The fact that lesbians and heterosexual women are all oppressed by the presumption that male-dominated heterosexuality is "normal," and by the social coercion involved in keeping this presumption in place, is lost.

For lesbians, it was important to lobby for the more incisive feminist analysis inherent in the right to sexual autonomy, and, as well, to have the visibility provided by the debate over "sexual orientation."

The issue of universality was important to both the sexual autonomy and "sexual orientation" issues. Should culture and religion trump women's human rights, so that women's right to sexual autonomy, or lesbians' right to live without discrimination and persecution, are defined and determined by each religion or culture? Human rights activists who organized and participated actively in the lobby on these issues were concerned about being sensitive to cultural differences, but in the mouths of the anti-feminist forces in Beijing, religion and culture were mere code for retaining the right to subordinate women. Given this opposition, universality was a key issue, with women trying to retain the recognition won at the Vienna World Conference on Human Rights in 1992 that women's human rights are universal, inalienable, indivisible, and interdependent.

### **The opponents of women's sexual autonomy**

The debate in Beijing revealed clearly that, among the member states of the United Nations, there is a group that is opposed to women's advancement, particularly if it means that women will enjoy sexual and reproductive autonomy. This group is composed of countries that are religion-based states, such as the Holy See and Iran, and states where the Holy See, or some strain of religious fundamentalism, has a strong influence. It includes Guatemala, Honduras, Malta, Cote d'Ivoire, Belize, Sudan, Jordan, Benin, Libya, and Syria, among others. This group of states also enjoys the active support of non-governmental organizations (NGOs), such as the Catholic Campaign for America, Focus on the Family, and Canada's R.E.A.L. Women.

Many feminists now think of this


group of states and NGOs as the international religious right. They are a serious threat to women's advancement, and a part of a political backlash that is keeping women isolated and endangered in many countries of the world (Manier). They are the organized opposition to the fledgling international women's movement.

The Holy See, whose positions on women are typical of the delegations of the religious right, stated in a Report prepared for the Beijing Conference that women and men have "equal dignity in all areas of life," but they do not have "an equality of roles and functions" (*Report of the Holy See 2*). "True equality between women and men ... will only be attained if the specificity of women is safeguarded" (8). This "specificity" of women is their "particular relationship with everything that concerns the gift of life" (21).

For these delegations, women's role in the family and society is defined by their reproductive capacities. Some fundamentalist Muslim states argued for the use of the word "equity" instead of "equality," in order to indi-

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cate that women need not be given access to the same social and political power and economic resources as men, because of their different roles. However, other delegations took the path of the Holy See, not openly rejecting the language of women's equality, but defining it in a way that upholds male supremacy and patriarchal fam-

ily models, and keeps women categorized as "different," inferior, and subordinate.

This group of member states and NGOs is not unschooled in feminism. It has paid attention to feminist writing, and deploys against feminists some of our principles and concerns. For example, feminists have argued that women cannot obtain equality simply by being treated the same as men, and consequently have argued in some circumstances for differential treatment in order to overcome women's subordination. The Holy See uses this to bolster and legitimize its argument that women are "different" and should be treated differently, even though, in its mouth, this is simply an endorsement of male supremacy.

Beginning in the regional conferences, continuing through the March 1995 New York Preparatory Meeting and following through to Beijing, the Holy See, and the states and NGOs that form the international religious right, opposed many elements in the PFA, and the feminists whom they view as the force behind them. Throughout the process, members of this group claimed that the Draft Platform reflected hostility to marriage, motherhood, men, and the family; that it portrayed motherhood as repressive; suggested that the family is a cause of inequality and a site of violence; attempted to redefine gender as something fluid, socially constructed, and changeable; and sought to eliminate the natural differences between men and women (see NGO Coalition for Women and the Family; Catholics for Free Choice). In June 1995, Navarro-Valls, the spokesman for the Holy See, said in a press conference that the Draft Platform was too much about "gender" and "sexuality" and not enough about "motherhood." He called for laws that would "guarantee women the fundamental right to be mothers" and "promote motherhood" (Catholics for a Free Choice 1995a, 6).

In addition, these states and NGOs claimed that the Draft Platform defended and promoted sexual license

under the guise of sexual and reproductive health because it condoned sex for unmarried individuals and adolescents; because it favoured "western-style, childless, and deviant" families; because it "overemphasized" women's participation in the labour market; because it made abortion "a keystone" to the Platform; because it contained the word "gender" which could lead to the endorsement of five genders—masculine, feminine, lesbian, homosexual, and transsexual; because it reflected "western ultra-feminist" values; and because it included "sexual orientation" which would lead to endorsing "depraved sexual behaviour, including homosexuality, pedophilia, bestiality, and sodomy."<sup>1</sup>

Also, after putting up such an intense fight at the Cairo International Population and Development Conference, it was not surprising that these delegations demanded inclusion of a restrictive footnote to the Health Section during the Preparatory Meetings for Beijing, which would make all of the rights in the Health Section of the Platform subject to national laws, and to religious and cultural values. It is the Health Section of the PFA that contains references to women's reproductive rights, to access to birth control and family planning measures, and to eliminating unsafe abortion, female genital mutilation, son preference, early marriage, sexual exploitation, sexual abuse, and discrimination against girls and women in the allocation of food. Commitment to many of these elements was hard-won in Cairo in 1994. These delegations attempted to pull back from what was agreed to in Cairo by trying to weaken language regarding the universality of women's human rights and by inserting the footnote to the Health section.

On the three issues—universality, sexual rights, and sexual orientation—the position of the religious right was vehement opposition to the four modest references to "sexual orientation" and to the delineation of sexual rights, and support for the weak word-

ing about universality in Paragraph 9 of the opening section of the Platform and for the restrictive footnote to the Health Section. The final hours of debate at the Beijing Conference took place against the backdrop of their intense, protracted, and organized opposition to women's social, sexual, and reproductive equality, and, in particular, to the recognition of women's sexual autonomy.

### The pre-Beijing text

The Draft Platform for Action that went to Beijing for final negotiation was developed through five regional conferences for Latin America, Africa, Asia, Western Asia, and Europe/North America. Each of these regional conferences produced an official document and these were integrated by the United Nations Conference Secretariat to produce the Draft Platform. At the Preparatory Meetings held in New York in March and July 1995, some text was agreed to, and it appeared unbracketed in the Draft Platform that went to Beijing; text that was not yet agreed to appeared in brackets.

In the Draft Platform,<sup>2</sup> the three issues that became linked—universality, women's right to sexual autonomy, and sexual orientation—appeared in this way:

### Universality

Paragraph 9 of the Draft Platform read as follows:

[The Platform for Action is drawn up in full conformity with the purposes and principles of the Charter of the United Nations and international law. It is recognized that the formulation and implementation of strategies, policies, programmes, and actions in all areas of concern are the responsibility of each country, with full respect for the various [religious and ethical values, cultural background, and philosophical convictions of all its people] and in conformity

with all [universal] human rights and fundamental freedoms.]<sup>3</sup>

The footnote to the whole of the Health Section of the Draft Platform for Action read:

[The implementation of the actions to be taken contained in the section on health are the sovereign right of each country,

tions and reproduction, including full respect for the physical integrity of the human body, require mutual consent and willingness to accept responsibility for the consequences of sexual behaviour.]

In addition, Paragraph 232(f) in the Human Rights Section called on governments to:

factors as their race, language, ethnicity, culture, religion, [sexual orientation,] disability, or socio-economic class or because they are Indigenous people, migrants, including women migrant workers, displaced women, or refugees. They may also be disadvantaged and marginalized by a general lack of knowledge and of recogni-



consistent with national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people and in conformity with universally recognized international human rights.]

### Women's Sexual Rights

Paragraph 97<sup>4</sup> in the Health Section read:

[Sexual rights include the individual's right to have control over and decide freely on matters related to her or his sexuality, free of coercion, discrimination, and violence. Equal relationships between women and men in matters of sexual rela-

[Take action to ensure that women's [sexual and] reproductive rights are fully recognized and respected;]

### Sexual Orientation

There were four references in the Draft Platform to sexual orientation. Two appeared in "diversity" paragraphs (48 and 226) which simply included sexual orientation in a list of factors which pose additional barriers to women's enjoyment of their human rights.

Paragraph 226 in the Human Rights Section, which is typical of this "diversity" language, read:

Many women face additional barriers to the enjoyment of their human rights because of such

tion of their human rights as well as by the obstacles they meet in gaining access to information and recourse mechanisms in cases of violation of their rights.

In addition, Paragraph 180(b) would have required governments to prohibit discrimination in employment based on sexual orientation, as well as sex and parental statuses, and Paragraph 232(h) would have required governments "to consider what legal safeguards may be required to prevent discrimination on the grounds of sexual orientation...."


None of this text regarding universality, sexual rights, and sexual orientation was agreed to when the Draft Platform for Action went to Beijing.

## The final debate

Throughout the two weeks of the official Conference these issues were fought over in two Working Groups, and in informal "contact groups" convened on specific issues. United Nations Working Groups operate on a consensus model, adopting text when the Chair can determine that there is a broad measure of agree-

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ment, even if there is not unanimity. Votes are never taken. When a text could not be agreed to after some discussion in a Working Group, it was taken off the floor for length-

ier negotiations, often with one member state being asked to convene a contact group, and with those states which had particular disagreements being asked to participate.

By September 14 a new text for Paragraph 97 (now Paragraph 96), the sexuality paragraph, had been adopted.

Unfortunately, the reference to "sexual rights" was gone; but the revised text importantly rooted women's right to control and decide on matters related to our sexuality in the already established scheme of women's human rights.

The new text read:

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 behaviour and its consequences.

The day before the Conference was to end, however, key issues were outstanding. Working Group II, which was dealing with the Human Rights Section of the Platform—and issues considered related to it—still had not resolved the contentious matters of 1) the universality paragraph and the footnote to the Health Section; 2) Paragraph 232(f), which would insert a reference to the reproductive rights and the sexual rights of women articulated in the Health Section into the Human Rights Section, and require governments to take action to ensure that these rights are respected; and 3) the four references to sexual orientation, which were all still in brackets.

On this last working day of the Conference, September 14, Working Group II was expected to reconvene at 3 p.m. to finish negotiations and adopt the text for these last crucial items. But delegates did not return at 3:00 or at 6:00, or at 9:00 though announcements were made that sessions would start at each of these times. Finally at midnight, the delegates came back into the room. This delay was a clear signal that informal negotiations had been difficult and protracted.

Some time after midnight, Working Group II began its consideration of the universality paragraph and the footnote to the Health Section. Word circulated that a deal had been struck: the text of Paragraph 9 had been renegotiated with the understanding that delegations would then agree to drop the footnote to the Health Section, since Paragraph 9 would apply to the whole text of the Platform. At the invitation of the Chair, the package was proposed from the floor.

A number of delegations indicated that they approved, including major groups of delegations, such as the European Union and the group of 77 non-aligned nations. It seemed as though, finally, there was agreement. But then some delegations—the Holy See, Iran, Egypt, Kuwait, Malta—began to indicate that while they would accept the language for Paragraph 9, they wanted to keep the

footnote to the Health Section. The package deal was coming unstuck on the floor. After some confusion, the Chair decided that the delegations were not ready to deal with this issue yet, and took it off the floor.

It was now 3 a.m. and the next issue on the agenda was sexual orientation. And there ensued an historic debate. Three o'clock in the morning September 15, 1995 was the first time that the issue of sexual orientation had ever been debated in any official United Nations forum.

At the beginning, those on the supporting side of the debate lacked passion. They were tired and they considered this issue a loser even though, at least for bargaining purposes, they had supported it, and had kept it alive until the end. The following contains segments from this historic debate.

Canada opened with a very short statement:

Many countries who participated in a contact group on this issue support the inclusion of sexual orientation in the Platform. Canada supports retaining the words.

Then the opposition delegations began to take the floor and the following debate ensued:<sup>5</sup>

Benin: Benin does not have the same information as Canada. This is a non-subject for this Conference. This Conference on women has three goals: equality, development, and peace. We do not want this Conference to go down as the conference on the sexual revolution, but as a conference for women who have responsibilities for development and peace. We are not here for a sexual revolution. This phrase should be deleted. We want a dignified historical Platform.


Egypt: Egypt objects to the inclusion of sexual orientation in 48, 180(b), 226, and 232(h). We want it deleted from all of these Paragraphs. This phrase contains behaviour that is contrary to our cultural and reli-

gious values. This is a forum for dealing with women's problems, not a conference to introduce new concepts that do not respect the feelings of the overwhelming majority of delegates in this Conference. The notes of the Conference should reflect this fully.

Iran: After several days of work, we have a Platform that can support women. We appeal to the delegates

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not to bring up an issue that will overshadow the dignity of this Platform. This phrase is ambiguous and totally unacceptable to most of us. It should not be

brought up at all in this Platform.

European Union (15 countries): The European Union supported inclusion of the references to sexual orientation from the outset. We regret that there is no consensus on this. We hoped that this language would have been retained.

Ecuador: It is too bad that we have spent so much time on this subject. Ninety nine per cent of women do not want this in. It should not appear in the Platform.

Libya: Libya urges all delegations to show flexibility and agree to the deletion of sexual orientation. Libya cannot accept its inclusion in any circumstance. It is completely against our cultural values.

New Zealand: New Zealand strongly supports retention of the phrase sexual orientation. This is about full equality and what it means for women. We are dealing with discrimination, and the right to be free from discrimination in all circumstances. The reference to sexual orientation is a recognition of this right.

Chair (Patricia Licuanan): I have twenty-eight speakers on the list.

Israel: Paragraph 48 deals with issues of discrimination against women, listing factors which can cause discrimination. In Israel we have passed

anti-discrimination laws that prohibit discrimination based on sexual orientation. This does not indicate approval or disapproval. It merely shows that it exists. We support lifting the brackets and keeping the text.

Switzerland: Switzerland supports lifting the brackets. This is necessary to complete the list of groups that are discriminated against. It is a question of equality. It is time for sexual orientation to be protected. Deleting the reference to sexual orientation will not delete the people it is intended to protect. This affects the same proportion of people in every country. It is a question of human rights.

Syria: Millions of women are watching. Why are we harming other important causes and looking for exceptions. We should delete this language so that we can go back home to our countries with the equality and dignity of human rights. This is against our ethics and morals.

Jordan: This is totally contrary to our values and traditions. We insist on its deletion from the Platform and we want our statement to be included verbatim in the records of the Conference.

Uganda: Uganda does not understand this reference. This has nothing to do with the subject matter of this Conference. Also, these words may counter our religion and culture. It is the role of family, marriage, and motherhood that should be supreme. These words should be removed altogether.

Belize: There arises a question of materiality and statistics. Race has a meaning to us. Also the number of women who are single mothers is large. Also refugees. This delegation is unaware of the size of the population of disadvantaged people referred to here. Until we know this we cannot support it.

South Africa: After the long history of discrimination in South Africa, we decided that when we were the government we would not discriminate against any group of persons, no matter how small their proportion in the population. We understand discrimination, and we do not have short memories. To demonstrate this, our

constitution has a non-discriminatory clause, and discrimination on the basis of sexual orientation is prohibited. Though the number of people may be small, we do not discriminate against them, as we do not discriminate against anyone. We support the inclusion of sexual orientation in the Platform.

Kuwait: We cannot accept sexual orientation in any paragraph. Maybe we can solve this problem out of the hall....

Senegal: For my delegation, this is not a matter dealt with in our constitution, and it is not accepted in our culture, tradition, or religion. So we are not yet able to support legislation regarding the institutionalization of sexual orientation. It is our people who decide. Therefore we should delete this phrase....


Slovenia: This is a question of a woman's basic right to freely decide for herself regarding her body and her sexuality. Today's debate shows us that this is a crucial issue of women's human rights, and it must be in the Platform.

Ghana: Sexual orientation should be deleted from the Platform.

Australia: Listening to my colleagues this evening shows why sexual orientation should be included. I support South Africa. I am very concerned if we are only here to support

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*"Today's debate shows us that this is a crucial issue of women's human rights, and it must be in the Platform."*



the majority of women. Those whose orientation is difficult for the majority should be protected from discrimination.

Bangladesh: Sexual orientation has a hidden meaning. In future this will open the floodgates to many behaviours that we cannot accept. Trying to glorify such behaviour offends our

ethical and aesthetic sense. The whole dignity of the document and of women throughout the world may be washed away. We should delete this expression.

**Cuba:** Cuba opposes all forms of discrimination and serious violations of human rights. Inclusion of the reference to sexual orientation in the Platform is proper.

**Cote d'Ivoire:** The majority of women have real problems. Sexual orientation only concerns western women who have no problems. This is contrary to universal nature and morality. It should be deleted.

**Algeria:** Algeria does not believe that this should be in the text. It does not conform to the agenda of this Conference.

**Sudan:** Speaking about priorities and the difficulties women face, it is enough that we had a long wrangle a few days ago over an attempt to introduce new rights. It is difficult in English and in Arabic to define what this means. This is something unnatural. Instead of wasting our time trying to bring here new terminology, if we speak about priorities, the majority of women of the world are expecting us to deal with poverty, and disease. People might see sex and not development. This is unnatural behaviour and is repugnant to my culture and to the majority of people around the world. We object to the presence of this term. This is a refusal, not a reservation.

**United States:** Some speakers say that discrimination is a non-subject. We say it is the subject of the Conference. When one person's human rights are violated we are all diminished. We support the inclusion of the term.

**Nigeria:** What is the definition of sexual orientation. How does sexual orientation facilitate empowerment and peace. It is not moral to legalize illegality and to glorify what should not be glorified. There should be a definition. Let's call a spade a spade. How can this help development and peace for women. Or equality. Sexual orientation should be kept in a cooler.

**Guatemala:** This text is hard to

accept. Our priorities are based on the majority of women who are experiencing other forms of discrimination. Why do we have to talk about this. It does not belong here.

**Barbados:** This is about equality, development, and peace. Equality is an essential element for development and peace. We should ensure that no women will be discriminated against. No women should be discriminated against because of sexual orientation. We should unbracket this text everywhere in the Platform.

**Chair:** This debate is very important. It is the first time it has been talked about at the United Nations. It is clear to me that more discussion is warranted. However, we have a divided room. There is no consensus. Therefore, for the time being, I have no alternative but to delete the bracketed text. Sexual orientation will be removed from the Platform.

The Chair banged her gavel, indicating that the issue was decided.

A number of countries then took the floor to make interpretive statements, indicating how they would apply the text in their jurisdictions. Canada was the first to speak.

**Canada:** We wish to make an interpretive statement. The inclusion of sexual orientation would have created no new rights, but rather recognized that human rights must be respected. We interpret references in the Platform for Action to prohibitions against discrimination based on "other status" to include a prohibition against discrimination based on sexual orientation.

**Chile, New Zealand, Latvia, Israel, Australia, Jamaica, Brazil, Columbia, South Africa, the European Union, Bolivia, Norway, the United States, and the Cook Islands** all spoke to say that they regretted the omission of the references to "sexual orientation" and would interpret "other status" as including "sexual orientation." **Slovenia** stated that it would interpret a woman's right to control her body and freely decide on matters related to her sexuality as including a

woman's right to decide freely regarding her sexual orientation.

**Ghana, Syria, Yemen, Belize, and Venezuela** stated that they supported the Chair's ruling and were pleased that "sexual orientation" was dropped from the Platform.

### The outcome

Immediately after this debate and the deletion of "sexual orientation" from the Platform, the Chair returned to the issue of universality. This time the package deal went through, virtually without discussion. The new Paragraph 9 was accepted and the footnote to the Health Section dropped. The final adopted text on universality, is repetitive, if not byzantine in its wording, and not very strong. It reads:

The objective of the Platform for Action, which is in full conformity with the purposes and principles of the Charter of the United Nations and international law, is the empowerment of all women. The full realization of all human rights and fundamental freedoms of all women is essential for the empowerment of women. While the significance of national and regional particularities and various historical, cultural, and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic, and cultural systems, to promote and protect all human rights and fundamental freedoms. The implementation of this Platform, including through national laws and the formulation of strategies, policies, programmes, and development priorities, is the sovereign responsibility of each State, in conformity with all human rights and fundamental freedoms, and the significance of and full respect for various religious and ethical values, cultural backgrounds, and philosophical convictions of individuals and their

communities should contribute to the full enjoyment by women of their human rights in order to achieve equality, development, and peace.

Last but certainly not least, Working Group II adopted Paragraph 232(f) which carries over into the Human Rights Section of the Platform the references from the Health Section to women's reproductive rights and the right to sexual autonomy, and instructs governments to take action to ensure that these human rights are fully respected and protected.

It was clear that once "sexual orientation" was off the floor, the delegations of the religious right were prepared to accept the package deal on universality, and the inclusion of the reference to women's sexual autonomy in the Human Rights Section. Working Group II adjourned at 4:30 a.m. on September 15.

## Conclusion

How should we look at this? Though I sometimes wondered in Beijing about the usefulness of these intense struggles over words and phrases, my conviction was reinforced that the recognition of women's sexual autonomy is a threshold requirement for women's equality. I conclude that though the negotiation of text can seem picayune and remote from the oppressive conditions of women's lives, it is nonetheless vital to take every political opportunity open to us to push forward women's human rights. The debate in international fora about the critical dimensions of women's inequality that are related to sexuality has been opened, and it cannot be closed down again now.

I also saw first-hand that the opposition to women's equality is determined, organized, and powerful, and that women around the world are facing growing fundamentalist forces that are using religion and culture to legitimize subordinating and oppressing women. The weak language on

universality in the Platform for Action is a significant indicator of the fragility of women's human rights. Some commentators have noted that no United Nations document has more references to religion than the Beijing Platform.

Of course, the lesbian caucus and every woman who worked on this issue was disappointed that the references to "sexual orientation" did not make it out of brackets. Lesbians were also, however, exhilarated. We were more visible in Beijing than at any previous United Nations Conference, and had many more supporters. Palesa Beverly Ditsie, a black woman from South Africa, was the first "out" lesbian to ever address a United Nations Plenary session, and she gave a riveting speech. The debate reported here was also a landmark in United Nations history. It revealed disturbing bigotry. But it also revealed that there is support for recognizing the human rights of lesbians in many regions of the world, and enough support to make "sexual orientation" a bargaining tool in a very important triangle of issues—in a triangle of issues to which it is integrally, not accidentally, connected.

From my engagement in the debate in Beijing I also learned that the issues in this triangle—universality, sexual autonomy, and sexual orientation—illuminate each other. Together, they force us to ask the broadest questions. Are all women included within the sphere of human rights application, or are some excluded because they belong to a despised or unrecognized minority? Is the content of women's right to sexual autonomy defined openly enough to deal with all the manifestations of sexual oppression that women experience? The early morning debate in Beijing over "sexual orientation" shows that too many governments openly admit that they will deny human rights to women who do not conform to religiously or culturally approved sexual and reproductive behaviour, or to women whom they consider an unpopular minority. It also underscores the fact that women

will not enjoy equality until all women have the right to make autonomous decisions about their sexuality, free from coercion, discrimination, and violence.

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<sup>1</sup>These phrases are quotes from leaflets handed out by the NGO Coalition for the Family at the Preparatory Meetings and the Beijing Conference, and from Catholics for Free Choice's "The Campaign for a Conservative Platform: A Chronology of Vatican and Allied Efforts."

<sup>2</sup>The text that is quoted here is taken from the Secretariat Reference Copy of the Draft Platform for Action, Incorporating the results of the informal consultations found in document A/CONF. 177/L. 3, dated 16 August 1995.

<sup>3</sup>The bracketing here indicates that the whole paragraph was not agreed to, and in addition, particular parts of the paragraph, namely the reference to "religious and ethical values, cultural background and philosophical convictions of all its people" and the use of "universal" as a descriptor for human rights and fundamental freedoms, were not agreed to.

<sup>4</sup>In the final Platform for Action, because of renumbering, this became the text of Paragraph 96.

<sup>5</sup>This record has been produced from notes taken by the author and by a minute taker from *Earth Negotiations Bulletin*, a bulletin providing daily summaries of events of the Conference. Both individuals were present during these deliberations.

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## ELISAVIETTA RITCHIE

### Four Potatoes

"They'll poison you, green," Aunt Tanya warns.  
"Such a waste.... Potatoes are all one needs  
for a meal, topped with sour cream, dill ..."

I bought them beige, if pocked and scarred,  
from the REDUCED FOR QUICK SALE cart,  
did not shade them from treacherous light.

But I grew up with tales of potato famines,  
the knowledge that wealth and life can disappear  
with a drought, revolution or war, so hoard

those holey clothes, expired tinned fish, rutabagas....  
Four dangerous spuds, like stones in a stream green  
round their gills, loll weeks in my chipped brown bowl.

Suddenly now the bottom ends (which side is the top?)  
sprout rosy goose barnacles: tiny green fingers probe air  
the way tentacles fathom the sea. A miracle born of neglect.

Might these nascent—roots? tendrils? leaves?—transmute  
into creatures to stalk the yard, or feed the neighbourhood....  
I seize the cleaver, chop, plant sixteen cubes in my window  
box.

### Mudang

Albeit women and of the wrong caste,  
in Korea, shamans are treated with honour.

They heal, prophecy, exorcise evil  
spirits by beating on drums and gongs.  
And they speak with the dead.

Here, poets have similar roles  
although seldom believed or honoured.

We beat the drums of our skulls,  
whack the gong into the night,  
write to dead fathers, lovers, children—

as if they might answer us,  
as if we could heal any one.

*Elisavietta Ritchie's poetry appears earlier in this volume.*