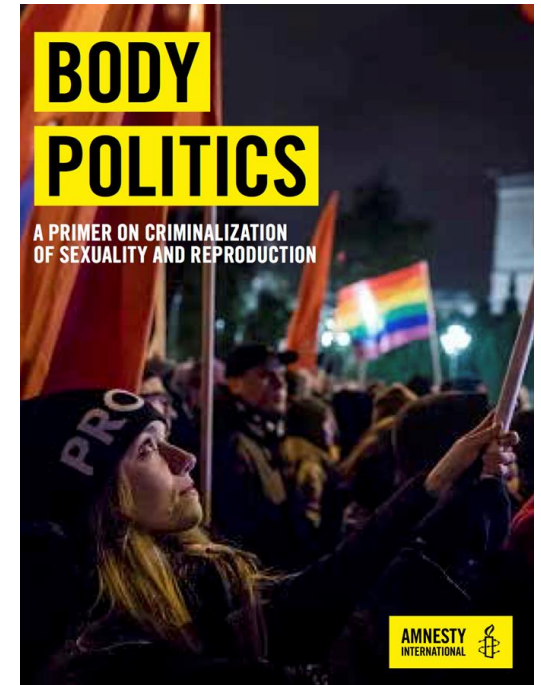


# BODY POLITICS

## The Criminalization of Sexuality and Reproduction

PowerPoint Slides (POL 40/9301/2018)

Slide Deck 1



To be used with the Body Politics Training Manual (POL 40/7771/2018)



# BODY POLITICS: THE CRIMINALIZATION OF SEXUALITY AND REPRODUCTION

## WHAT'S INCLUDED

AMNESTY  
INTERNATIONAL



# BODY POLITICS: THE PRIMER

Primer:

- Overview of Sexual and Reproductive Rights
- Limits on and Legitimate Uses of Criminal Law
- Using Human Rights to Challenge Criminalization of Sexuality and Reproduction
- Human Rights Violations caused by Criminalization

Best For:

- Campaigners dealing with complex legal issues
- Advocates interested in deeper background on criminalization and human rights

# THE PRIMER ANNEXES

Reviews direct and indirect criminalization, penalization, and human rights protections for:

- Same-sex sexual activity
- Sex outside marriage
- HIV non-disclosure, exposure, and transmission
- Adolescent sexual activity
- Sex work
- Abortion
- Conduct while pregnant

# BODY POLITICS: CAMPAIGNING TOOLKIT

## Campaigning Toolkit:

- Overview of Campaigning Basics
- Working with Stakeholders
- Power Analysis and Identifying an Approach
- Cross-issue Advocacy
- Common Human and Constitutional Rights Arguments

## Best for:

- Campaigners already comfortable with the issues
- Issue advocates learning campaign basics

# THE TRAINING

## Core training model:

- 1.5 hours
- Can be delivered in-person or via webinar
- Covers basic content and structure of the series
- Introduces intersectional analysis assessment framework

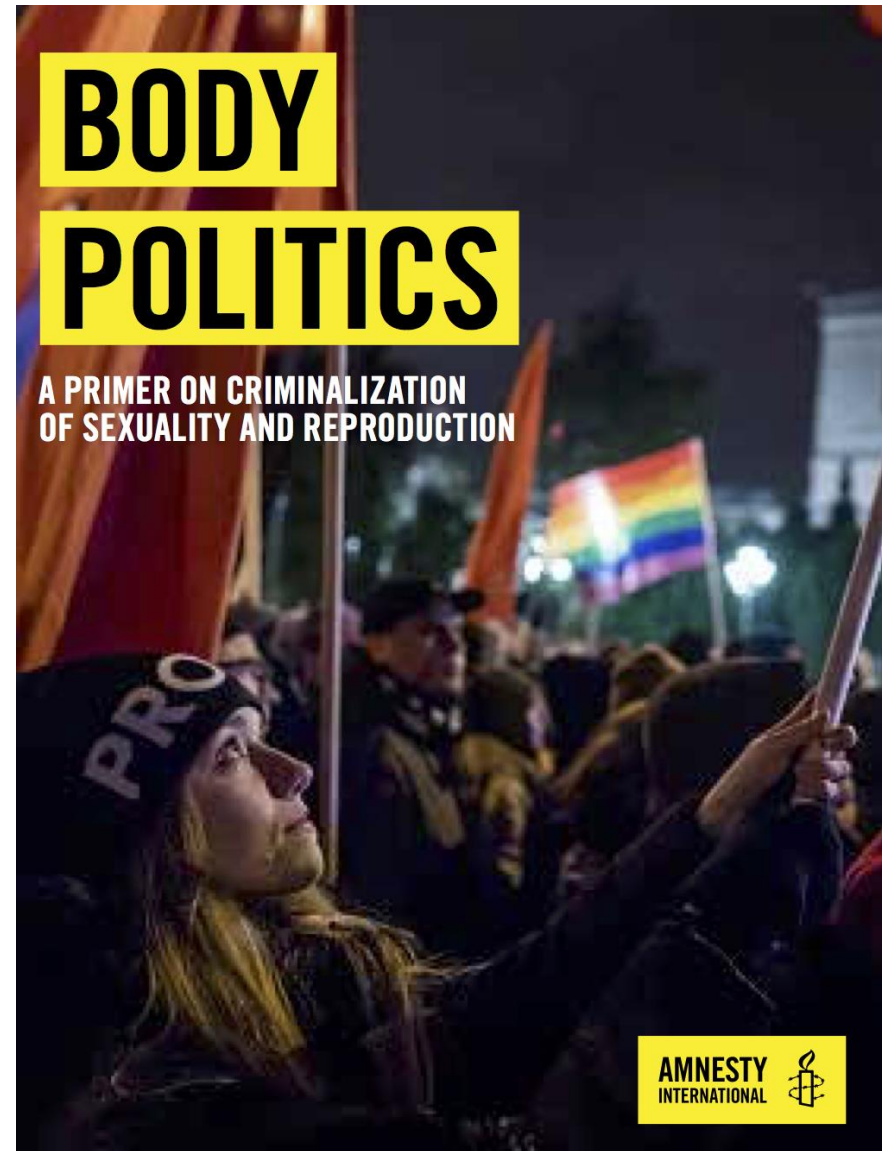
## Extended training:

- Full day
- In-person or combination in-person and webinar
- Covers basic content and structure of the toolkit
- Expanded participatory learning activities
- Issue-focused teach-backs for campaigning practice
- In-depth intersectional assessment analysis practice

# USING THE SERIES

How do I know when I need...

- *The Toolkit*
- *The Primer*
- *The Primer Annexes*
- *The Training Manual*



# BODY POLITICS

The Criminalization of Sexuality and Reproduction

Slide Deck 2

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**BODY POLITICS: THE CRIMINALIZATION OF  
SEXUALITY AND REPRODUCTION**

# **DEFINING CRIMINALIZATION**

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# DIRECT CRIMINALIZATION

Laws that directly penalize or outlaw particular behaviours, decisions, or identities.

Criminal laws that explicitly punish consensual sex, reproductive decisions made with informed consent, and/or gender expression

Laws under which people who attempt to assert their basic sexual and reproductive rights can face investigation, prosecution, criminal or financial sanctions, loss of liberty and public judgment or disgrace.

# INDIRECT CRIMINALIZATION

The enforcement of range of general criminal, civil, or religious laws in a manner that has discriminatory effect on particular sexual and reproductive behaviours, decisions, or gender expression and identities.

Poorly worded or overly broad laws which are open to misinterpretation or discriminatory application.

The passing or enforcement of laws in a manner which either intentionally or unintentionally targets marginalized groups or those who do not conform to social norms.

# PENALIZATION AND PRESUMED CRIMINALITY

## Penalization:

- Punishment through means other than law, including application of policies and administrative regulations resulting in fines, detention, deportation, loss of child custody or social benefits, and others.

## Presumed Criminality:

- Assumption that members of a marginalized group are criminal by merit of identity.
- Increases surveillance, discrimination, and stigmatization.
- Prevents members of marginalized groups from seeking justice.

# DISCUSS

- ◆ What is sexual autonomy?
- ◆ What is reproductive autonomy?
- ◆ What about sexual consent?
- ◆ What about criminalization of sexual violence?



Demonstrators in Warsaw march against new restrictions in abortion law being proposed in the Polish parliament, 17 January 2018. © Grzegorz Żukowski

# USING HUMAN RIGHTS PRINCIPLES TO CHALLENGE USE OF CRIMINAL LAW

Criminal law as a last resort.

States must ensure their use of criminal law meets certain criteria:

- Legality
- Legitimate aim or purpose
- Necessity
- Proportionality
- Non-discrimination

**BODY POLITICS: THE CRIMINALIZATION OF  
SEXUALITY AND REPRODUCTION**

**THE ISSUE**

**ANNEXES**

**AMNESTY  
INTERNATIONAL**



# CRIMINALIZATION – SCOPE AND SPREAD

Same-Sex Sexual Activity – 71 countries (male), 45 countries (all genders)

Sex Outside Marriage – 50 countries

HIV Non-Disclosure, Exposure, and Transmission – 72 countries

Adolescent Sexual Activity – vast majority of countries\*

Sex Work – over 100 countries

Abortion – over 100 countries\*\*

Conduct while Pregnant – widespread\*



# CASE STUDY: CONDUCT WHILE PREGNANT



## CRIMINALIZING PREGNANCY

POLICING PREGNANT WOMEN WHO USE DRUGS IN THE USA

# CASE STUDY: SEX OUTSIDE MARRIAGE



A woman is held by sharia police before receiving lashes in a public square in Banda Aceh, Indonesia 20 March 2017. The punishment is a result of the woman spending time with a man who is not her husband. © ULET IFANSASTI/Getty Images

# WHO'S AFFECTED?

Women

Racial/Ethnic Minorities

LGBTI

Youth

Sex Workers

PLWHIV

# CASE STUDY: SEX WORK



**“WHAT I’M DOING IS  
NOT A CRIME”**

THE HUMAN COST OF CRIMINALIZING SEX WORK  
IN THE CITY OF BUENOS AIRES, ARGENTINA



# HUMAN RIGHTS VIOLATIONS

## Privacy

- UDHR Art 12,ICCPR Art 17,CRC Art 16, CRPD Art 22

## Equality and Non-Discrimination

- UDHR Art 2, ICCPR Art 26, CESCRC Art 2, CEDAW, CERD, CRC Arts 2 and 5, CRPD Art 6
- Fundamental to all human rights

## Health

- UDHR Art 25, CESCRC Art 12, CERD Art 5, CEDAW Arts 12 and 14,CRC Art 24,CRPD Art 25

## Freedom from Torture and other Ill-Treatment

- UDHR Article 5, CAT Art 1, ICCPR Art 7,CRC Art 37, CRPD Art 15

## Freedom of Thought, Expression, Assembly

- UDHR Articles 18, 19, 20, ICCPR Arts 18 and 19

## Right to Life

- UDHR Art 3, ICCPR Art 6, CRC Art 6, CRPD Art 10

# CASE STUDY: ADOLESCENTS



Amnesty International Morocco organized a training workshop on sexual and reproductive rights in partnership with UNFPA, for the peer educators. May 9th, 2014. © Amnesty International Morocco

# BODY POLITICS

The Criminalization of Sexuality and Reproduction

Slide Deck 3

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**BODY POLITICS: THE CRIMINALIZATION OF  
SEXUALITY AND REPRODUCTION**

# **MARGINALIZATION AND DISCRIMINATION**

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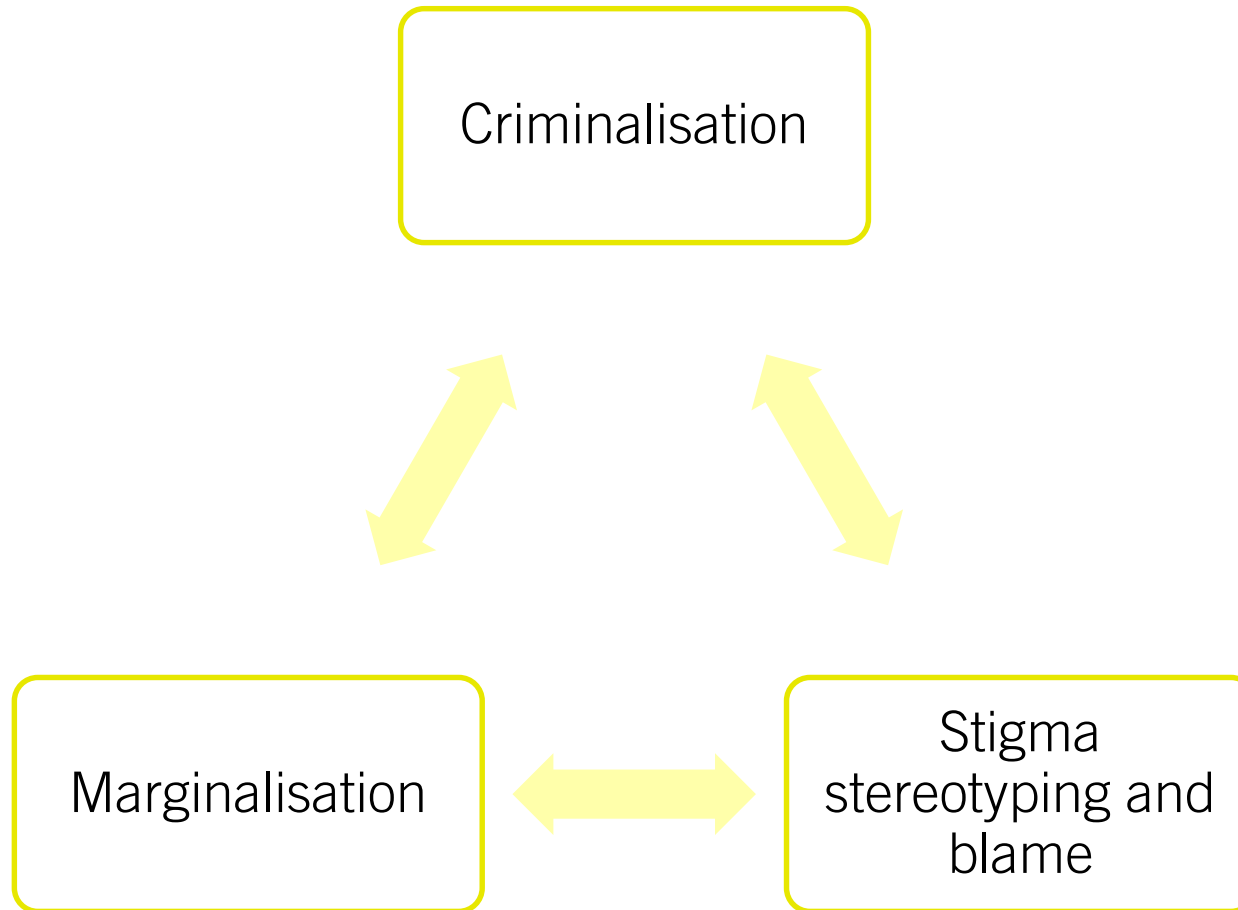


# CASE STUDY: LGBTI YOUTH



George, a model and leader of the LGBTI group 'Out in Kenya', in his shop in downtown Nairobi, 15 April 2013.  
© Pete Muller

# MARGINALIZATION CYCLE



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**INTERSECTIONALITY**

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# WHAT IS INTERSECTIONALITY?

A woman calls the police requesting urgent protection from an attacker in her home. How might the way the police respond vary depending on aspects of her identity?



**BODY POLITICS: THE CRIMINALIZATION OF  
SEXUALITY AND REPRODUCTION**

**FIRST: DO NO  
HARM**

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# STIGMA AND STEREOTYPING

## ASSESSMENT

- All too often, criminalization campaigns play into identity politics, isolating and fostering disconnection between different sexual and reproductive identities – we need to make sure our campaigns don't fall into the same trap.
- **Have you:**
- Actively engaged stakeholders from all groups affected by the concern you are focusing on?
- Considered the potential risks in relation to others outside of the specific focus of the campaign (and where appropriate reached out to them)?

# ANALYZING CAMPAIGNS

Does your campaign message:

- Imply a hierarchy or that one sexual or reproductive identity or behaviour is in some way “better” or “healthier” than another?
- Unintentionally imply that some sexual and reproductive decisions are “right” and some are “wrong”?
- Generalise or make assumptions about what people do or should want?

# **BODY POLITICS: THE CRIMINALIZATION OF SEXUALITY AND REPRODUCTION**

# **EXERCISE**

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**Poster 1 (Top Left):** If you finish high school, get a job, and get married before having children, you have a 98% chance of not being in poverty. **THINK BEING A TEEN PARENT WON'T COST YOU?** Text: \*Not 'WORTH' to \$7000 for the real price of teen pregnancy. NYC

**Poster 2 (Top Middle):** Got a good job? I cost thousands of dollars each year. **THINK BEING A TEEN PARENT WON'T COST YOU? EXPECT TO SPEND MORE THAN \$10,000 A YEAR TO RAISE A CHILD.** Text: \*Not 'WORTH' to \$7000 for the real price of teen pregnancy. NYC

**Poster 3 (Top Right):** I'm twice as likely not to graduate high school because you had me as a teen. **KIDS OF TEEN MOMS ARE TWICE AS LIKELY NOT TO GRADUATE THAN KIDS WHOSE MOMS WERE OVER AGE 22.** Text: \*Not 'WORTH' to \$7000 for the real price of teen pregnancy. NYC

**Poster 4 (Bottom Left):** Honestly Mom... chances are he won't stay with you. What happens to me? **ARE YOU READY TO RAISE A CHILD BY YOURSELF? 90% OF TEEN PARENTS DON'T MARRY EACH OTHER.** Text: \*Not 'WORTH' to \$7000 for the real price of teen pregnancy. NYC

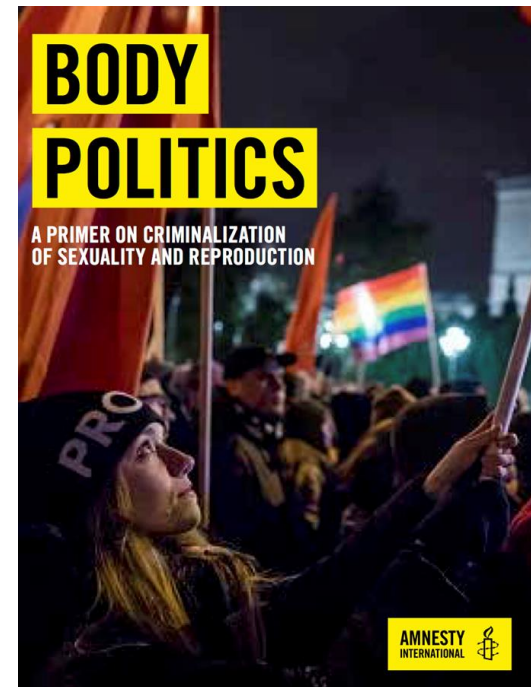
**Poster 5 (Bottom Middle):** Dad, you'll be paying to support me for the next 20 years. **THINK BEING A TEEN PARENT WON'T COST YOU? BY STATE LAW, PARENTS TO PAY SHOULD SUPPORT UNTIL A CHILD IS 21.** Text: \*Not 'WORTH' to \$7000 for the real price of teen pregnancy. NYC

**Poster 6 (Bottom Right):** NYC .gov always open

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