

Sexuality and Social Justice: A Toolkit

Strategies for making sexuality rights real



Published on Sexuality, Poverty and Law (<http://spl.ids.ac.uk>)

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Sexuality and Law

51 resource(s)

Newspaper articles & blog posts

Indonesia: Political party proposes anti-LGBT law

Library of Congress (2016)

News story about an Indonesian political party, the People's Conscience Party which has proposed that the country enact a law curtailing the rights of LGBT people.

<http://www.loc.gov/law/foreign-news/article/indonesia-political-party-proposes-a...>

Malawi's anti-gay law is back in force again

Duffy, N.

Pink News (2016)

A court in Malawi has ordered the country's anti-gay law back into force according to this news story from Pink News.

<http://www.pinknews.co.uk/2016/02/12/malawis-anti-gay-law-is-back-in-force-again...>

Gay teachers say law change removes 'chill factor' on sexuality

O'Brien, C.

The Irish Times (2015)

News of amendments to Ireland's Equality (Miscellaneous Provisions) Bill which aim to protect lesbian, gay and bisexual employees of schools and hospitals over prioritising the ethos of religious institutions.

<http://www.irishtimes.com/news/education/gay-teachers-say-law-change-removes-chi...>

A black body on trial: the conviction of HIV positive 'Tiger Mandingo'

Thrasher, S.

BuzzFeed (2015)

An exploration of the trial of Michael Johnson in Missouri for not telling his sexual partners that he had HIV. Also known as Tiger Mandingo he was up against America's attitudes on race and sexuality.

<http://www.buzzfeed.com/steventhrasher/a-black-body-on-trial-the-conviction-of-h...>

Reflections from the launch of a new Global Sex Work Law Map

Overs, C,

Institute of Development Studies (2015)

Cheryl Overs writes about the launch of the Sex Work Law Map in London and how evidence gaps can lead to myths and misinformation.

<https://www.ids.ac.uk/opinion/reflections-from-the-launch-of-a-new-global-sex-wo...>

Mapping sex work policy across the globe

Hall, A.

Reproductive Health Matters (2015)

Amy Hall covers the launch of the [Sex Work Law Map](#) in London and what the experts on sex work law in Africa and around the world had to say.

<http://www.rhmjournal.org.uk/2015/09/mapping-sex-work-policy-across-the-globe/>

Sex workers' rights: mapping policy around the world

Overs, C.

Guardian (2015)

The creator of a the [Sex Work Law Map](#) explains on the Guardian website about how she hopes the new tool will help tackle decades of misinformation.

<http://www.theguardian.com/global-development-professionals-network/2015/sep/15/...>

As sex workers we welcome Amnesty's policy – it will help empower us

Win, K.T.

Guardian (2015)

Coordinator for the Asia Pacific Network of Sex Workers, Kay Thi Win, explains why sex workers are celebrating Amnesty's support for decriminalising the sex trade.

<http://www.theguardian.com/global-development/2015/aug/18/sex-workers-welcome-am...>

In this prostitution debate, listen to sex workers not Hollywood stars

Smith, M.

Guardian (2015)

Molly Smith, a sex worker and activist responds to the debate around Amnesty International's draft policy on sex work and the law, arguing that it's the voices of sex workers that should be listened to.

<http://www.theguardian.com/commentisfree/2015/aug/03/prostitution-sex-workers-am...>

Sexuality and Social Justice: What's law got to do with it?

Mills, E.

IDS (2015)

In this blog post Elizabeth Mills explains the work behind the international Sexuality and Social Justice Symposium: What's law got to do with it?

<http://www.ids.ac.uk/opinion/sexuality-and-social-justice-what-s-law-got-to-do-w...>

Reports

This alien legacy: The origins of 'sodomy' laws in British Colonialism

Gupta, A.

Human Rights Watch (2008)

This report describes the strange afterlife of a colonial legacy.

<http://www.hrw.org/sites/default/files/reports/lgbt1208webwcover.pdf>

Sex Workers, Empowerment and Poverty Alleviation in Ethiopia

Overs, C.

Institute of Development Studies (IDS) (2015)

- Although the criminal law against adult sex work is not enforced, it does exacerbate poverty by depriving sex workers of the civil rights and access to services they need.
- To remove structural determinants of poverty the law should be removed to make way for sex workers to claim rights under labour and other administrative legal provisions and to benefit from antidiscrimination and other human rights law.
- The inclusion of sex workers in Ethiopia's Social Protection Policy should be recognised and applauded.
- All adult women born in Ethiopia who sell sex so should be able obtain an ID card regardless of their location, background or other status.

This case study explores economic, legal and social issues that affect sex workers, with a particular focus on the role of poverty in sex workers' lives and the potential for poverty alleviation policies and programmes to help lift as many sex workers as possible out of poverty in order to reduce the exploitation, illness and violence associated with their work.

<http://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/4095/ER80%20Sex%20...>

Gender, Sexuality and Social Justice: What's Law Got to Do with It?

Lalor, K; Mills, E; Sánchez García, A; Haste, P

Institute of Development Studies (2015)

- Edited Collection from an international symposium organised by the Sexuality, Poverty and Law programme. Many of those involved in this publication are directly involved in and affected by the issues to which the Edited Collection's title speaks.
- It explores different processes by which activists and other actors have worked for change, interrogates what we mean when we talk about 'solidarity', and questions the usefulness and place of law.
- This Collection offers multiple routes to sexuality and gender justice and numerous suggestions of what sexuality and gender justice could be in a plurality of contexts.
- It suggests that there are many potential pitfalls and barriers to justice or progress.

This Edited Collection came out of an international symposium organised by the Sexuality, Poverty and Law programme. Many of those involved in this publication are directly involved in and affected by the issues to which the Edited Collection's title speaks.

<http://opendocs.ids.ac.uk/opendocs/bitstream/123456789/8878/1/GenderSexualityand...>

Sexuality and Social Justice: What's Law Got to Do with It? International Symposium Workshop Report

Lalor, K; Haste, P; Vaast, C

Institute of Development Studies (2015)

- There is a need for a more careful unpacking of the power dynamics of different relationships, including global-local, South-South and within movements.
- Recognition of the problematic power dynamics of global-local interactions must be followed by the implementation of strategies to address these dynamics.
- There is an urgent need to close the gap between progressive law and its implementation and to ensure that sound,

evidence-based policy is fully realised in practice.

- Research capacity in institutions and universities in the global South should be supported and developed in order to promote effective research and to develop a strong evidence base for activism and ownership of research output.
- The lived experience of marginalisation and poverty perpetuates vulnerability and further marginalises. A more nuanced and intersectional approach to engaging with and acknowledging lived experiences is required.
- In order to respond to the challenges of social injustices, recognition and creation of spaces for alliances and dialogues that move beyond, or do not fit neatly into a 'human rights' or an 'LGBT' framework are required.
- International support for training and funding is key.

In March 2015, the Sexuality, Poverty and Law programme at the Institute of Development Studies brought together over 60 activists, lawyers, researchers and international advocates to critically assess the scope of law and legal activism for achieving social justice for those marginalised because of their sexual or gender non-conformity.

http://opendocs.ids.ac.uk/opendocs/bitstream/123456789/6925/1/ER145_Sexualityand...

Sexuality and the Law: Case Studies from Cambodia, Egypt, Nepal and South Africa

Waldman, Linda; Overs, Cheryl

Institute of Development Studies (2014)

- Engaging with the law and seeking policy reform is potentially a dangerous activity especially in countries which do uphold the rule of law or where laws are in rapid flux and have little correspondence to lived social realities.
- Sexuality is significant in relation to law and development
- Sexuality should be explored as a broad concept and not to be confined by specific forms of categorisation of sexualities but identities and constructs can also provide entry points and modalities for legal recognition, funding for essential services and other advantages.
- Even when the rule of law is strong, this does not ensure that the law and legal processes are appropriate or accessible.

This paper provides a synthesis of five case studies on the relationship between sexuality and law. It concludes that engaging with the law and seeking policy reform is potentially a dangerous activity especially in countries which do uphold the rule of law or where laws are in rapid flux and have little correspondence to lived social realities.

<http://opendocs.ids.ac.uk/opendocs/bitstream/123456789/3408/1/ER49+%282%29.pdf>

From sex work to entertainment and trafficking: Implication of a paradigm shift for sexuality, law and activism in Cambodia

Overs, C.

IDS (2013)

This case study describes and examines the impact of the changes brought about by the new legislation in Cambodia against sex work

<http://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/2945/ER23%20Final%...>

The implications of the Anti-Homosexuality Bill 2009 on Uganda's legal system

Jjuuko, A. and Tumwesige, F.

IDS (2013)

Uganda's Anti-Homosexuality Bill (AHB) 2009 was controversial right from the time of its inception. This report explores the legal application of the bill and its wider implications.

<http://opendocs.ids.ac.uk/opendocs/bitstream/id/10698/ER44%20Final%20Online.pdf>

'Marriage above all else': The push for heterosexual, nuclear families in the making of South Africa's white paper on

families

Charles, T.

IDS (2013)

This report comments on the policymaking processes that led to the development of the White Paper on Families as it exists in its current iteration.

<http://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/3197/ER41%20Final%...>

Sexuality and the law: Case studies for Cambodia, Egypt, Nepal and South Africa

Waldmam, L., & Overs, C.

IDS (2014)

This paper provides a synthesis of five case studies on the relationship between sexuality and law. It describes and examines the impact of the changes brought about by the law focusing particularly on conditions in the entertainment venues. The paper concludes with ideas about ways in which sex workers might participate in and influence process in which specific, self-identified outcomes can be attained.

<http://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/3408/ER49%20%282%2...>

Development, discourse and law: Transgender and same-sex sexualities in Nepal

Boyce, P. & Doyle, D.

IDS (2013)

This report presents research conducted in Nepal between November 2012 and January 2013 aimed at exploring the legal, social and economic context pertaining to sexual and gender minority rights.

<http://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/2839/ER13%20Final%...>

'Politically motivated sexual assault and the law in violent transitions: A case study from Egypt'

Tadros, M.

IDS (2013)

This case study is about the use of sexual violence against women and men in order to deter the opposition from engaging in protests and demonstrations in a context of a country in transition, Egypt.

<http://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/2950/ER8%20final%2...>

A progressive constitution meets lived reality: sexuality and the law in South Africa

Lewin, T., Williams, K. and Thomas, K.

IDS (2013)

This paper examines two cases of homophobic hate crime in post-apartheid South Africa. It illuminates how activists have used the legal system to address the violence faced by many lesbian, gay, bisexual, transgender, queer or intersex (LGBTQI) South Africans.

<http://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/2705/ER7%20Final%2...>

License to Be Yourself: Laws and Advocacy for Legal Gender Recognition of Trans People

Byrne, J.

Open Society Foundations (2014)

This report is aimed at activists working on human rights issues for trans people, local communities examining best laws and policies, and policymakers. It documents some of the world's most progressive and rights-based laws and policies and shares successful activist strategies and case studies.

<https://www.opensocietyfoundations.org/sites/default/files/license-to-be-yourself...>

Developing More Effective Strategies for Sex Work, Law and Poverty

Overs, C

Institute of Development Studies (2015)

- Decriminalisation of sex work remains a priority
- Evaluation needed of Economic Empowerment Programmes (EEP)
- Legal recognition is a cost-effective and politically realistic intervention to improve lives of sex workers
- Resources needed to research the efficacy of Biomedical HIV prevention and care

The welfare of female sex workers in low-income countries has attracted significant attention in recent years. In line with human rights and development goals, advocacy focuses on decriminalisation of sex work, attaining economic rights, ending violence and improving sexual and reproductive health. This report calls for further research and action in three key areas, where evidence is needed to drive feasible, effective and measurable initiatives that benefit sex workers, even in unfavourable legal, economic and social conditions.

http://opendocs.ids.ac.uk/opendocs/bitstream/123456789/6933/1/AGID_604_PB101_Sex...,

http://opendocs.ids.ac.uk/opendocs/bitstream/123456789/6933/3/AGID_604_PB101_Sex...

Policy Audit: Sexuality and Disability in Policies Affecting Chinese People with Disabilities

Li, Z. and Xiaopei, H.

Institute of Development Studies (IDS) (2014)

- Law-makers and policymakers at the national level should involve people with disabilities and grass-roots organisations in the consultation processes, to guarantee their needs and desires are represented and reflected in the policies and laws that are relevant to them
- Local and regional ministries that are responsible for implementing national policies should integrate education on sexual and reproductive health and rights across national policies and provide better access to sexual health resources for people with disabilities
- NGOs and the civil society sector working on disability issues need to work across fields with NGOs working on sexuality issues to reach a better understanding of disability and sexuality issues

This policy audit examines the cultural, political and economic spheres in China from the perspective of people with disabilities. Through a series of case studies we argue that the heteronormative assumptions that underpin disability policies do not recognise the sexual desires and sexual needs of people with disabilities.

<http://opendocs.ids.ac.uk/opendocs/bitstream/123456789/5501/2/ER103PolicyAuditSe...>,

<http://opendocs.ids.ac.uk/opendocs/bitstream/123456789/5501/4/ERB103Brief.pdf>

BOOSHTEE! Survival and Resilience in Ethiopia

Overs, C.

Institute of Development Studies (IDS) (2015)

- Homosexuality is illegal in Ethiopia, same-sex behaviour is not prosecuted because the government views it as a low law enforcement priority
- The illegality of same-sex relations continues to drive and justify social and economic exclusion and human rights abuses of same-sex attracted people

This report urges international agencies to find ways to help strengthen the nascent Sexual Orientation and Gender Identity and Expression community by supporting research and information sharing and establishing links with

international HIV and human rights organisations, diaspora communities and African and international lesbian, gay, bisexual and transgender rights movements.

http://opendocs.ids.ac.uk/opendocs/bitstream/123456789/6011/1/ER129_BOOSHTEE%21S...

http://opendocs.ids.ac.uk/opendocs/bitstream/123456789/6011/2/ERB129_BOOSHTEE%21...

Case Study: A Progressive Constitution Meets Lived Reality: Sexuality and the Law in South Africa

Lewin, T., Williams, K. and Thomas, K.

Institute of Development Studies (IDS) (2013)

- In the South African legal context, hate crimes are not yet recognised as a specific category, despite high levels of physical and sexual assault based on sexual orientation or gender identity.
- Homophobia, conservatism and a weak rule of law have made it difficult for gay, lesbian and transgender people to realise their rights as enshrined in the South African Constitution.

This paper examines two cases of homophobic hate crime in post-apartheid South Africa. It illuminates how activists have used the legal system to address the violence faced by many lesbian, gay, bisexual, transgender, queer or intersex (LGBTQI) South Africans.

<http://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/2705/ER7%20Final%2...>

Case Study: The legal status of the Anti Homosexuality Bill in Uganda

Jjuuko, A, Tumwesige, F

(2013)

- The Anti-Homosexuality Bill in Uganda contains a number of provisions that, for legal reasons, are nearly impossible to implement. Two examples include:
 1. The difficulty of collecting evidence as there is no 'complainant' for sex between consenting adults;
 2. The punishment is 'disproportionate' under criminal law as there is no victim of the 'crime' of homosexuality between consenting adults.

This paper analyses the implications of Uganda's Anti-Homosexuality Bill 2009 on the country's legal system. It discusses the contents of the Bill, traces its background as well as its current status, analyses the legal issues that are likely to arise if it becomes law, discusses the legal issues that are already arising with the bill still a bill, and finally discusses some of the positive aspects of the bill.

<http://opendocs.ids.ac.uk/opendocs/bitstream/id/10698/ER44%20Final%20Online.pdf>

Development, Discourse and Law: Transgender and Same-Sex Sexualities in Nepal

Boyce, P and Coyle, D

Institute of Development Studies (IDS) (2013)

- In 2011, Nepal became the first country in the world to add a third category in addition to male and female in the national population and housing census. Since 2013, the state have begun to issue citizenship documents listing a third gender.
- While this affirms the equal citizenship rights of third gender people in Nepal, they continue to experience explicit prejudice, lack of economic opportunity and familial rejection.

This report presents research conducted in Nepal between November 2012 and January 2013 aimed at exploring the legal, social and economic context pertaining to sexual and gender minority rights.

<http://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/2839/ER13%20Final%...>

Politically Motivated Sexual Assault and the Law in Violent Transitions: A Case Study from Egypt

Tadros, M.

Institute of Development Studies (2013)

- The current legal system does not recognise men as victims of sexual assault.

This case study is about the use of sexual violence against women and men in order to deter the opposition from engaging in protests and demonstrations in a context of a country in transition, Egypt.

<http://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/2950/ER8%20final%2...>

From Sex Work to Entertainment and Trafficking: Implications of a Paradigm Shift for Sexuality, Law and Activism in Cambodia

Overs, C.

(2013)

- Under Cambodian Law sexual exploitation refers only to women
- Because of the 'Palermo Protocol', Cambodia lacks the autonomy to make its own law/policy decisions about responses to sex work.

Policy and legislation were introduced in Cambodia in 2008–9 that made virtually all activities associated with commercial sex illegal. This case study describes and examines the impact of the changes brought about by the law focusing particularly on conditions in the entertainment venues; the role of the many national and international policies and institutions that aim to help sex workers and the opportunities for sex workers to develop, articulate and advance demands.

<http://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/2945/ER23%20Final%...>

Articles

I'd rather be an outlaw: identity, activism and in Tasmania

Henderson, E., Stychin, C. and Herman, D. (eds.)

HENDERSON, EMMA M. "I'D RATHER BE AN OUTLAW": IDENTITY, ACTIVISM AND DECRIMINALIZATION IN TASMANIA".

Law and Sexuality: The Global Arena. Ed. CARL STYCHIN and DIDI HERMAN. NED - New edition. University of Minnesota

Press, 2001. 35–50 Henderson, E. M. (2000)

An essentially private manifestation of Human Personality: Construction of homosexuality in the European Court of Human Rights

Johnson, P.

From Human Rights Law Review, 2010, 10 (1), p.67-97 Human Rights Law Review (2010)

This article explores the continuing evolution of the European Convention on Human Rights in respect of homosexuality.

<http://hrlr.oxfordjournals.org/content/10/1/67.abstract>

Decolonising sexual citizenship: Who will effect change in the south of the Commonwealth?

Robinson, C. and Crook, M. (ed)

Commonwealth Advisory Bureau (2012)

This report argues that it is ill-judged to place too much emphasis on law and litigation as a means of advancing sexual autonomy in the Global South of the Commonwealth.

http://sas-space.sas.ac.uk/4836/1/04_12_Opinion_v6a.pdf

Books

Intersexuality and the law. Why sex matters

Greenberg, J. A.

New York University Press (2012)

This book examines the role that legal institutions can play in protecting the rights of people with an intersex condition as well as the relationship between the intersex movement and others.

<http://nyupress.org/books/9780814731895/>

Clips and documentaries

How laws are made - Parliament

Legal Information Access Centre (LIAC), State Library of NSW , Law and Justice Foundation of NSW (2013)

[Video of How laws are made - Parliament](#)

This 10 minute focuses on Australian law for example, how parliaments make law, the process of a Bill to an Act, how legislation changes over time.

How does Britain work? - The justice system

Lily Green (2013)

[Video of How Does Britain Work? - The Justice System](#)

This eight minute video is part of a series, aimed at people aged 14-19 years old, that explains the UK court system.

Welcome to the law

Cultures on Film

Aimed primarily at new US citizens this website and DVD provides an overview of US civil and criminal law; enforcement; the court and prison systems.

<http://www.welcometothelaw.com/>

The moral structure of legal systems

London School of Economics and Political Science (LSE) (2010)

[Video of LSE Research: The Moral Structure of Legal Systems, pt. 1](#)

Lecture on legal philosophy that focuses on the role of morality in law. Kristen Rundle explains why the debate between 'positivists' and 'natural law' advocates has never gone away.

Legal databases

SOGI Casebook Introduction

International Commission of Jurists (ICJ)

International Commission of Jurists casebook which "helps lawyers, judges, and human rights activists better understand how to use the law to protect individual rights"

<http://www.icj.org/sogi-casebook-introduction/>

CODICES

Venice Commission

This database reports on the case law of constitutional courts and European courts of equivalent jurisdiction, the European Court of Human Rights, and the Court of Justice of the European Communities.

<http://www.codices.coe.int/NXT/gateway.dll?f=templates&fn=default.htm>

World Legal Information Institute

World Legal Information Institute

This site provides access to independent and non-profit information about worldwide law.

<http://www.worldlii.org/>

The CIA World Factbook

The Central Intelligence Agency

Information on the history, people, government, economy, geography, communications, transportation, military, and transnational issues for 266 world entities.

<https://www.cia.gov/library/publications/the-world-factbook/fields/2100.html>

Asia legal resources on the web

National University of Singapore

This index to mainly free internet law sources includes websites from the common law jurisdictions, Association of Southeast Asian Nations as well as international law websites.

<http://libportal.nus.edu.sg/frontend/ms/c-j-koh-law-library/research/legal-resou...>

General Assembly Resolution 67/168 on extrajudicial, summary or arbitrary executions

UN General Assembly (2012)

Resolution adopted by the General Assembly on 20 December 2012.

http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/67/168

LGBT Speeches and statements

The Office of the United Nations High Commissioner for Human Rights (OHCHR)

Speeches and statements from the United Nations on combatting discrimination based on sexual orientation and gender identity.

<http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTSpeechesandstatements.as...>

State Sponsored Homophobia Report

Carroll, A. and Itaborahy, L.P.

International Lesbian, Gay, Bisexual, Trans and Intersex Association: Carroll, A. & Itaborahy, L.P. State Sponsored Homophobia 2015: A world survey of laws: criminalisation, protection and recognition of same-sex love (Geneva; ILGA, May 2015). International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) (2015)

This is the tenth addition of an annual database on laws worldwide that criminalise same sex relations between consenting adults.

http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2015.pdf

Practical guides

Human Rights Council Resolution 17/19 on Human Rights, Sexual Orientation and Gender Identity

The Office of the United Nations High Commissioner for Human Rights (OHCHR) (2011)

Resolution adopted by the Human Rights Council focused on national institutions for the promotion and protection of human rights.

<http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/G11/144/85/PDF/G1114485.pdf?Open...>

Born free and equal: Sexual orientation and gender identity in international human rights law

United Nations (2012)

This booklet sets out the source and scope of some of the core legal obligations that States have to protect the human rights of lesbian, gay, bisexual and transgender (LGBT) people.

<http://www.ohchr.org/Documents/Publications/BornFreeAndEqualLowRes.pdf>

LGBTI persons deprived of their liberty: a framework for preventive monitoring

Association for the Prevention of Torture (APT) and Penal Reform International (2013)

This paper outlines the main risk factors and situations to which LGBTI persons are exposed when they are deprived of their liberty in the criminal justice system, as well as proposing possible action.

http://www.apr.ch/content/files_res/lgbti-persons-deprived-of-their-liberty-en-1...

The illustrated guide to law

Burney. N.

(2016)

A comic book guide to the law written by a New York defense attorney. There is also a [Tumblr site](#) with a comments section and blog.

<http://lawcomic.net/guide/>

Source URL: <http://spl.ids.ac.uk/sexuality-and-social-justice-toolkit/5-information-and-resources/sexuality-and-law>