



Criminalization of Sexuality and Reproduction

Human Rights Council – Side Event
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Distinguished colleagues, Honorable state representatives,

Amnesty International thanks you for turning your attention to the very important issue of criminalization of sexuality and reproduction. Over the years, Amnesty International has documented grave human rights violations taking place within criminal justice systems and at the hands of law enforcement. As the organization has deepened its research and advocacy on sexual and reproductive rights, it increasingly recognizes that punitive regulation of sexual and reproductive conduct and identities is a foremost barrier to realizing these rights.

As noted by our expert panelists, criminalization of sexuality and reproduction occurs in every region of the world. In light of this, Amnesty International launched a project in 2012 specifically dedicated to raising the profile of this issue and to mobilizing its global movement to speak out against illegitimate criminalization. We intentionally use the “criminalization” frame to promote intersectional analysis and cross-movement collaboration. As a wide range of individuals and groups are targeted by criminal and other punitive laws and policies, much can be gained by taking a united front against states’ illegitimate criminalization. Amnesty International also grounds its analysis not only in terms of negative rights and states’ obligations to prevent violence, but also in terms of positive rights and bodily and interpersonal autonomy. This expanded focus enables us to move away from solely viewing women as “victims” and men as the source of the “problem,” and makes more visible gender non-conforming people and the limitations of a strict gender binary.

Amnesty International’s preliminary research on criminalization of sexuality and reproduction has been insightful. It reveals that “criminal justice” approaches often fail to promote health, reduce harm, “protect” the public or realize human rights. It also shows that criminalization of sexuality and reproduction falls within a broader phenomenon of overcriminalization—of states taking harsh punitive approaches to addressing complex social issues, to the detriment of human rights.

Given what is at stake, it is time for the Human Rights Council, governments and civil society to give greater attention to criminalization of sexuality and reproduction and to call into question states’ overreliance on criminal justice approaches generally. We must work toward clarifying what actually constitutes a legitimate exercise of states’ policing power under international human rights law, and to ensuring that our own advocacy does not solely call for remedies that facilitate overcriminalization, but rather promotes evidence-based approaches that reduce harm and promote human rights. Thank you.