

Global Dialogue on Decriminalisation, Choice and Consent

Organised by CREA
Supported by: Amnesty International
Human Rights Program, Harvard Law School
Global Health Justice Partnership, Yale Law School

Rockefeller Foundation Bellagio Center, Italy

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Why a Global Dialogue on Decriminalisation, Choice and Consent?

Around the world, various aspects of reproductive and sexual conduct, identities, and expression remains criminalised. In some instances where some of this has been decriminalised we see renewed efforts towards criminalisation. Family (personal) laws continue to exclude individuals based on sexual orientation and gender identity. Health policies prioritise and accord legitimacy to heterosexual sex taking place within marriage and for reproduction. Sex taking place outside marriage and/or between same sex partners and transactional sex remains criminalised and stigmatised.

During the past decade within the sexual and reproductive health and rights (SRHR) advocacy landscape there has been a neglect of the complicated and messy questions around the nature of choice and consent, which lies at the heart of the situation described above. The Millennium Development Goals (MDGs) have provided the overarching framework within which countries as well as multi-lateral and regional mechanisms have defined their development agenda. The MDGs to a large extent have served to reduce the broader SRHR agenda to a more limited focus on maternal health. An essential corollary of this has been the de-politicisation of sexual and reproductive health and rights and the broader ambit of issues it seeks to address. On-going civil society efforts to promote a more inclusive, rights-based framing have remained fragmented partly as a result of funding streams and the way these have narrowed the vision on SRHR and partly because often the complicated and complex nature of issues of choice and consent are not amenable to easy consensus building.

To address this gap and need for critical debate and discussion, CREA, along with Amnesty International, the Human Rights Program at Harvard Law School, and the Global Health Justice Partnership at Yale Law School organised a Global Dialogue on Decriminalisation, Choice and Consent at the Rockefeller Foundation Bellagio Center, Italy, from October 22-24, 2014. The focus of the Dialogue was to discuss threadbare consent (and choice) including the way it is defined and addressed within criminal law and covered a range of issues around sexual agency, orientation, identity and SRHR.

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