

International Human Rights and the Right to Sexual Life: Exploring the Linkage Between Human Dignity, Sexual Autonomy, and Equality^{1**}

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Abstract

This paper is an examination of the connection between international human rights and the rights to sexual life. The right to sexuality and freedom from discrimination on the grounds of sexual orientation is based on the universality of human rights. The right to sexuality incorporates the right to express one's sexuality and be free from discrimination on the grounds of sexual orientation. The paper utilized secondary data such as textbooks, and statutes. This paper examines: concept of human rights, concept of sexuality, concept of sexual rights, application of international human rights to sexual orientation and gender, and the right to sexuality and the United Nations. The major findings include inter alia no treaties or other instruments adopted by the United Nations General Assembly explicitly referred to sexual orientation. While Article 2 of the Universal Declaration of Human Rights asserts that all human beings are entitled to the rights enunciated in the document, no reference is made to sexual orientation. Sexual rights are interpreted in terms of reproductive rights and abortion, women's rights, or the rights of LGBT individuals. States are required to guarantee non-discrimination in the exercise of all human rights for everyone, regardless of sexual orientation or gender identity. This is an obligation under international human rights law. It was recommended that States should enact comprehensive legislation that prohibits discrimination because of sexual orientation and gender identity. States must guarantee the rights to freedom of expression, association and peaceful assembly to everyone, regardless of sex, sexual orientation or gender.

Keywords: Human Rights; Sexual Right; Gender Identity; International Law; United Instruments.

Introduction

This paper is a lucid examination of the connection or linkage between international human rights and the rights to sexual life. The development of the international human rights regime in the aftermath of World War II, no treaties or other instruments adopted by the United Nations General Assembly explicitly reference sexual orientation. While Article 2 of the Universal Declaration of Human Rights (UDHR) asserts that all human beings are entitled to the rights enunciated in the document and explicitly states that it shall apply “without distinction of any kind, such as race,

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colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,”² no reference is made to sexual orientation. The International Covenant on Civil and Political Rights (ICCPR)³ which include in its articles right protected from discrimination such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status and the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁴ The three instruments are what we know as the International Bill of Rights.

The right to sexuality and freedom from discrimination on the grounds of sexual orientation is based on the universality of human rights and the inalienable nature of rights belonging to every person by virtue of being human. The right to sexuality incorporates the right to express one's sexuality and to be free from discrimination on the grounds of sexual orientation. In specific, it relates to the human rights of people of diverse sexual orientations, including Lesbian, Gay. Although no explicit international human rights instrument enumerates a “right to sexual life,” contemporary human rights discourse recognises that sexual rights are implicitly protected under existing frameworks. Instruments such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) safeguard the rights to privacy, health, non-discrimination, and freedom of expression, all of which underpin sexual autonomy. The emergence of the Yogyakarta Principles (2006) and their 2017 Supplement (Yogyakarta Principles plus 10) has provided further interpretive clarity on how states should apply existing human rights norms to sexual orientation, gender identity, gender expression, and sex characteristics. These soft law instruments have been influential in shaping judicial reasoning, policy reforms, and advocacy initiatives worldwide.

This paper seeks to explore the connection or linkage between international human rights and the rights to sexual life exploring how universal principles of equality and human dignity can and should be extended to issues of sexuality. It evaluates relevant legal frameworks, conceptual foundations, and comparative approaches, ultimately arguing that the enjoyment of sexual rights is not a privilege but an inseparable component of human rights. The development of the international human rights regime in the aftermath of World War II, no treaties or other instruments adopted by the United Nations General Assembly explicitly reference sexual orientation. While Article 2 of the Universal Declaration of Human Rights (UDHR) asserts that all human beings are entitled to the rights enunciated in the document and explicitly states that it shall apply “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,”⁵ no reference is made to sexual orientation. The International, Bisexual and Transgender (LGBT). In a bid to do justice to this paper ,the is divided seriatim into the introduction ,concept of human rights, concept of sexuality, concept of sexual rights, application of international human rights to sexual orientation and gender ,the right to sexuality and the united nations as well as the conclusion.

² Universal Declaration of Human Rights of 1948.

³ International Covenant on Civil and Political Rights of 1966.

⁴ International Covenant on Economic, Social and Cultural Rights of 1966.

⁵ Universal Declaration of Human Rights of 1948.

CONCEPTUAL CLARIFICATION

1. Human Rights

International human rights gain recognition after the aftermath of World War II and the establishment of United Nation (UN) in 1945. The promotion of human rights became important goal of the United Nations (UN) and in 1948; the UN General Assembly adopted the Universal Declaration of Human Rights (UDHR), a document listing basic rights as a guide for a common standard of achievement for all peoples and all nations. This declaration provides the basis for modern human rights and the extension of human rights treaties to diverse populations. The UDHR limits the behavior of the state, which was given duties to ensure the rights of its citizens. Under the UDHR, certain rights are considered inviolable under any circumstances, and these include the right to life and the right to be free from torture.⁶

The non-binding nature of the Universal Declaration of Human Rights (UDHR) led the United Nation to developed two international treaties in 1966 to created legal obligation on State adopting same. The two instruments are International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR). The former is referred to as first generation or negative rights and the latter is referred to as second generation or positive rights. First generation rights includes among others right to life, freedom of expression, right to peaceful assembly and association, freedom from torture etc. requires that there must be noninterference by the government while the second generation rights includes right to health care, right to food, right to education, participation in cultural life etc. requires that government must take appropriate measure to provide for basic human needs. There is the third category of rights which is known as the third generation or solidarity rights, it include rights that require international cooperation such as prevention of war, famine, pollution and disaster relief.⁷ Numerous human rights treaties had been formulated by the United Nation after the International Bill of Rights. Steps had also been taken by the Regional, National and Non-Governmental Organization towards the promotion and protection of human rights.

Human rights are universal entitlements inherent to all individuals by virtue of their humanity. They are grounded in the principles of dignity, equality, and freedom, forming the cornerstone of modern international law. As articulated in the Universal Declaration of Human Rights (UDHR) 1948, human rights are “*the foundation of freedom, justice and peace in the world.*”⁸ They are inalienable, interdependent, and indivisible, meaning no right can be fully realised without respect for others. From a jurisprudential perspective, scholars such as Jack Donnelly and Amartya Sen describe human rights as moral claims that have been translated into legal norms binding on

⁶ Lottes Ilsa L, Sexual Rights: Meanings, Controversies, and Sexual Health Promotion, available at <https://www.researchgate.net/publication/236036451> accessed on 11 October 2019.

⁷ Wronka, J, Human Rights and Social Justice: Social action and service for the helping and health professions. (Thousand Oaks, CA: Sage, 2008). 98

⁸ Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A (III).

states.⁹ The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) operationalise these ideals, obligating states to respect, protect, and fulfil fundamental rights.¹⁰

2. Sexuality

Sexuality is a central aspect of being human throughout life and encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction. Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviours, practices, roles and relationships. While sexuality can include all of these dimensions, not all of them are always experienced or expressed. Sexuality is influenced by the interaction of biological, psychological, social, economic, political, cultural, ethical, legal, historical, religious and spiritual factors.¹¹ Sexuality encompasses the totality of a person's sexual identity, orientation, behaviour, and experience. The World Health Organization (WHO) defines sexuality as a central aspect of being human throughout life, encompassing sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy, and reproduction.¹¹ Sexuality is influenced by the interaction of biological, psychological, social, and cultural factors. In legal discourse, sexuality intersects with rights to privacy, personal liberty, and equality. Jurisprudence such as *Lawrence v Texas*¹² and *Dudgeon v United Kingdom*¹³ affirm that state intrusion into consensual adult sexual conduct violates the right to privacy and human dignity. Recognising sexuality as an aspect of personal autonomy transforms it from a moral or social issue into a matter of legal protection.

3. Sexual Rights

Sexual rights embrace human rights that are already recognized in national laws, international human rights documents and other consensus statements. Sexual rights refer to the entitlements and freedoms that allow individuals to exercise autonomy and make informed choices about their sexuality free from coercion, discrimination, or violence. They include the right of all persons, free of coercion, discrimination and violence, to attain the highest standard of sexual health, including access to sexual and reproductive health care services; seek, receive and impart information related to sexuality; sexuality education; respect for bodily integrity; choose their partner; decide to be sexually active or not; consensual sexual relations; consensual marriage; decide whether or not, and when, to have children; and pursue a satisfying, safe and pleasurable sexual life.

⁹ Jack Donnelly, *Universal Human Rights in Theory and Practice* (3rd edn, Cornell University Press 2013); Amartya Sen, *The Idea of Justice* (Harvard University Press 2009).

¹⁰ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171; International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.

¹¹ World Health Organization, *Defining Sexual Health: Report of a Technical Consultation on Sexual Health* (Geneva, WHO 2006).

¹² *Lawrence v Texas* 539 US 558 (2003).

¹³ *Dudgeon v United Kingdom* (1981) 4 EHRR 149.

The responsible exercise of human rights requires that all persons respect the rights of others.’¹⁴ International Women’s Health Coalition (IWHC), in collaboration with other leading human rights and sexual health organizations, has developed the following working definition of sexual rights:

Sexual rights embrace certain human rights that are already recognized in national laws, international human rights documents, and other consensus documents. They rest on the recognition that all individuals have the right free of coercion, violence, and discrimination of any kind to the highest attainable standard of sexual health; to pursue a satisfying, safe, and pleasurable sexual life; to have control over and decide freely, and with due regard for the rights of others, on matters related to their sexuality, reproduction, sexual orientation, bodily integrity, choice of partner, and gender identity; and to the services, education, and information, including comprehensive sexuality education, necessary to do so.¹⁵

World Health Organization¹⁶ working definition make the link between sexual rights and existing human rights that are critical to the realization of sexual health, and includes:

1. the rights to equality and non-discrimination;¹⁷
2. the right to be free from torture or to cruel, inhumane or degrading treatment or punishment;
3. the right to privacy;
4. the rights to the highest attainable standard of health (including sexual health);
5. the right to marry and to found a family and enter into marriage with free and full consent of the intending spouses, and to equality in and at the dissolution of marriage;
6. the right to decide the number and spacing of one’s children;
7. the rights to information and education;
8. the rights to freedom of opinion and expression; and
9. the right to an effective remedy for violations of fundamental rights.

Gay, Lesbian and Bisexual has been defined as people who have an orientation toward people of the same gender in sexual behavior, attraction or affection, where the term transgendered was to include anyone who does not conform to traditional gender norms for men and women. For example, people who do not identify as either male or female or people that choose to express their gender identity as opposite to their sex.¹⁸

Article 2 of the Universal Declaration of Human Rights provides for the right to be free from discrimination, including the right to be free on the basis of sexual orientation and gender identity and Article 26 of ICCPR that everyone is equal before the law and entitled without discrimination to the equal protection of the law. The Vienna Declaration and Programmed of Action which was adopted in 1993 further reinstate the idea that all human rights were universal, indivisible and

¹⁴ World Health Organization working Definition, 2004. available at http://www.who.int/reproductive-health/gender/sexual_health.html

¹⁵ International Women’s Health Coalition, Sexual Rights Are Human Rights, available at <https://iwhc.org/articles/sexual-rights-human-rights/> accessed on 11 October 2019.

¹⁶ The World Health Organization (2010)

¹⁷ World Health Organization, Sexual Health, Human Rights and the Law (WHO 2015) 7–8.

¹⁸ Harvey Makadon et al., Fenway Guide To Lesbian, Gay, Bisexual, and Transgender Health (2008). 15–16.

interdependent and interrelated.. the international human rights standards is the same all over the world irrespective of religion, sex tribe, colour etc. its aim is for the promotion, protection, fulfillment of human rights.

Human right promotion and protection is the priority of the United Nation and the interrelationship of democracy, development and respect for human rights and fundamental freedoms. The Universal Declaration of Human Right which is the background instrument on human rights did not discriminate between civil and political rights and economic, social and cultural rights. Due to the hard-fought efforts of feminists, Lesbian, Gay, Bisexual, Transgendered groups (LGBT), and sexual and reproductive health and rights organizations, an increasing number of governments have recognized the importance of sexual rights and put in place laws and policies to protect these rights at the country level. For example, in the last several years countries like Argentina have legalized marriage for same-sex couples; Uruguay legalized abortion without restriction through the 12th week of pregnancy; and Sweden repealed a law requiring transgender individuals to undergo sterilization. Despite the international instruments provision stating that everyone enjoy the basic human rights free from discrimination of any kind on the basis of sex, colour, tribe, religion, tribe, language etc.

The concept of the right to sexuality is difficult to define, as it comprises various rights from within the framework of international human rights law. Sexual orientation is defined in the Preamble to the Yogyakarta Principles as "each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender".¹⁹

Although, not explicitly enumerated in one global treaty, sexual rights are derived from the application of existing human rights norms, particularly those relating to health, privacy, freedom of expression, and protection from discrimination. Instruments such as the Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (2007) consolidate these rights, providing interpretive guidance for states and international bodies.²⁰

Freedom from discrimination on the grounds of sexual orientation is found in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Article 2 of Universal Declaration of Human Right (UDHR)²¹ provides for non-discrimination:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin,

¹⁹ The Yogyakarta Principles Archived 2008-05-09 at the Wayback Machine, Preamble, available at www.yogyakartaprinciples.org accessed on 12 October 2019.

²⁰ International Commission of Jurists (ICJ), The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (2007).

²¹ Article 2 of UDHR.

property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Sexual orientation can be read into Article 2 as "other status" or alternatively as falling under "sex".

In the ICCPR, Article 2 sets out a similar provision for non-discrimination:

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

In *Toonen v Australia*,²² the United Nations Human Rights Committee (UNHRC) found that the reference to "sex" in Article 2 of the ICCPR included sexual orientation, thereby making sexual orientation prohibited grounds of distinction in respect of the enjoyment of rights under the ICCPR. The right to be free from discrimination is the basis of the right to sexuality, but it is closely related to the exercise and protection of other fundamental human rights.

The International Planned Parenthood Federation (IPPF) Declaration is grounded in core international human rights treaties and other instruments, authoritative interpretations of these international standards and additional entitlements related to human sexuality that are implicit in them. It draws on the documents emanating from the 1993 UN World Conference on Human Rights; the 1994 UN International Conference on Population and Development; the 1995 UN Fourth World Conference on Women; the UN Millennium Declaration and the Millennium Development Goals. It is also informed by the findings and recommendations of several UN treaty bodies and UN Special Rapporteurs, particularly the 2004 report to the Commission on Human Rights of the Special Rapporteur on the Right to the Highest Attainable Standard of Health.

The Declaration complements the IPPF Charter on Sexual and Reproductive Rights. It aims to explicitly identify sexual rights and support an inclusive vision of sexuality. This vision seeks to respect, protect and advance the rights of all persons to sexual autonomy and to promote sexual health and rights within a framework of non-discrimination. IPPF believes that health is a fundamental human right indispensable for the exercise of all human rights.²³ It also believes that sexual and reproductive health is integral elements of the rights of everyone to enjoy the highest attainable standard of physical and mental health.²⁴ Sexual health cannot be obtained or maintained without sexual rights, but sexual rights encompass more than entitlements related to health.

²² (1994) CCPR/C/50/D/488/1992

²³ The CESCR Committee has stated that States that the right to health contains freedoms which include the right to decide over one's health and body, including sexual and reproductive freedom. Committee on Economic, Social and Cultural Rights: General Comment 14: The right to the highest attainable standard of health. UN Document E/C.12/2000/4 11 August 2000.

²⁴ Report of the Special Rapporteur on the Right to Health to the 60th Session of the Commission on Human Rights, UN Document E/CN.4/2004/49 (2004) at para 9.

Sexual rights refer to specific norms that emerge when existing human rights are applied to sexuality. These rights include freedom, equality, privacy, autonomy, integrity and dignity of all people; principles recognized in many international instruments that are particularly relevant to sexuality. Sexual rights offer an approach that includes but goes beyond protection of particular identities. Sexual rights guarantee that everyone has access to the conditions that allow fulfilment and expression of their sexualities free from any coercion, discrimination or violence and within a context respectful of dignity. The instrument contain 10 Articles from which some of the rights included are right to equality, equal protection of the law and freedom from all forms of discrimination based on sex, sexuality or gender, right to participation for all persons, regardless of sex, sexuality or gender, right to life, liberty, security of the person and bodily integrity

There are seven principles given by the IPPF which provide a framework for all the sexual rights included in the Declaration and will inform and ensure respect, protection and advancement of sexual rights within the Federation. Sexual rights fall within the canon of human rights which is both universal and indivisible, and they are in accordance with the principles of non-discrimination;

1. Sexuality is an integral part of the personhood of every human being, for this reason a favourable environment in which everyone may enjoy all sexual rights as part of the process of development must be created. Sexuality is an integral part of the personhood of every human being in all societies. While individuals experience their sexualities throughout their lives in ways that vary according to inner and external factors, human rights related to sexuality, their protection and promotion should be part of the daily existence of all individuals, everywhere. In addition, sexuality should be recognized as a positive aspect of life. Sexual rights are universal human rights based on the inherent freedom, dignity and equality of all human beings.²⁵ In accordance with the Charter on Sexual and Reproductive Rights, IPPF affirms that the person is the central subject of development and recognizes the importance of creating a favourable environment in which every individual may enjoy all sexual rights in order to be able to take an active part in processes of economic, social, cultural and political development. Sexuality is an aspect of human and social life which is engaged always with the body, the mind, politics, health and society.
2. The rights and protections guaranteed to people under age eighteen differ from those of adults, and must take into account the evolving capacities of the individual child to exercise rights on his or her own behalf. IPPF understands that the rights and protections guaranteed to people under age eighteen (18), as a matter of international and national law, sometimes differ from the rights of adults. These differences relate to all aspects of human rights but require particular approaches in regard to sexual rights. IPPF begins from the premise that persons under eighteen (18) are rights holders, and that at different points within the spectrum of infancy, childhood, and adolescence, certain rights and protections will have greater or lesser relevance. In addition, the principle of evolving capacity combines respect for children, their dignity and entitlement to protection from all forms of

²⁵ Ilkkaracan, P. and Jolly, S. (2007) Gender and Sexuality: Overview Report (BRIDGE: Institute for Development Studies) at: www.bridge.ids.ac.uk/reports_gend_CEP.html#Sexuality accessed on 11 October 2019.

- harm, while also acknowledging the value of their own contribution towards their protection. Societies must create environments in which children can achieve their optimal capacities and where greater respect is given to their potential for participation in, and responsibility for, decision-making in their own lives.
3. Non-discrimination underlines all human rights protection and promotion. IPPF understands that a framework of non-discrimination underlines all human rights protection and promotion. This framework of non-discrimination prohibits any distinction, exclusion or restriction on the basis of sex,²⁶ age, gender, gender identity,²⁷ sexual orientation,²⁸ marital status, sexual history or behaviour, real or imputed, race, colour, ethnicity, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status, including HIV/AIDS, and civil, political, social or other status which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.²⁹ Individuals experience different barriers to the fulfillment of their sexual rights. Substantive equality requires these barriers to be removed in order for diverse individuals to enjoy fundamental rights and freedoms on an equal basis with others. This may require that particular attention be paid to marginalized and under-served groups.
 4. Sexuality, and pleasure deriving from it, is a central aspect of being human, whether or not a person chooses to reproduce. Sexual health spans a lifetime. Sexuality is an integral factor in almost all reproductive decisions; however it is a central aspect of being human, whether or not one chooses to reproduce. Sexuality is not merely a vehicle for individuals to satisfy their reproductive interests. The entitlement to experience and enjoy sexuality independent of reproduction, and reproduction independent of sexuality should be safeguarded, paying particular attention to those who, historically and in the present, are denied such an entitlement. All persons are entitled to the conditions that enable the pursuit of a pleasurable sexuality.³⁰ Pleasure is based on individual and relational autonomy, for which the existence of public policies on sexuality education, health services, freedom

²⁶ Sex refers to the biological characteristics that define humans as female or male. While these sets of biological characteristics are not mutually exclusive, as there are individuals who possess both, they tend to differentiate humans as males and females.

²⁷ Gender identity refers to a person's internal self-awareness of being male or female; masculine or feminine.

²⁸ Sexual orientation refers to the primary sexual attraction to the same, opposite or both sexes.

²⁹ For examples of interpretations of international law regarding non-discrimination across all fields and in relation to both purposive and 'in effect' discriminatory acts in the context of race, sex and gender-related aspects of racial discrimination, see the Human Rights Committee's, General Comment No.18: Non-discrimination, UN Doc. HRI/GEN/1/Rev.6 at 146, 2003 and the Committee on the Elimination of All Forms of Racial Discrimination's General Recommendation 25: Gender-related dimensions of racial discrimination, UN Doc A/55/18, 2000.

³⁰ CLADEM Manifesto (2nd version, Campaign for a Convention on sexual rights and reproductive rights October 2006). 26.
www.convencion.org.uy

- from coercion and violence, as well as the development of a field of ethics on issues of justice, equality and liberty must be ensured. Given that pleasure is an intrinsic aspect of sexuality, the right to seek, express and determine when to experience it must not be denied to anyone.
5. Ensuring sexual rights for all includes a commitment to freedom and protection from harm. The right to be protected from and to have recourse against, all forms of violence and harm underpins sexual rights. Sexuality-related harm includes both violence and abuse of a physical, verbal, psychological, economic and sexual nature as well as violence against individuals because of their sex; age; gender; gender identity; sexual orientation; marital status; sexual history or behaviour, real or imputed; sexual practices or how they manifest their sexuality. All children and adolescents³¹ are entitled to enjoy the right to special protection from all forms of exploitation. This includes protection from sexual exploitation, child prostitution and all forms of sexual abuse, violence and harassment, including coercion of a child to engage in any sexual activity or sexual practice and the use of children in pornographic performances and materials.
 6. Sexual rights may be subject only to those limitations determined by law for the purpose of securing due recognition and respect for the rights and freedoms of others and the general welfare in a democratic society.³² Sexual rights, as other human rights, may be subject only to those limitations determined by law for the purpose of securing due recognition and respect for the rights and freedoms of others and the general welfare in a democratic society, public health and public order, according to human rights law.³³ Such limitations must be non-discriminatory, necessary and proportionate to the achievement of a legitimate aim. The exercise of sexual rights must be guided by awareness of the dynamic relationship between personal and social interests, the recognition of the existence of plurality of visions, and the need to guarantee equality, dignity and respect for difference.
 7. The obligations to respect, protect and fulfill apply to all sexual rights and freedoms. Sexual rights and freedoms include core legal claims as well as access to the means to fulfil those claims.³⁴ As with other human rights, states have obligations on three levels: to respect, protect and fulfil the sexual rights of all.³⁵ The obligation to ‘respect’ requires States to refrain from interfering directly or indirectly with the enjoyment of a particular right, in this case, with sexual rights. The obligation to ‘protect’ requires States to take measures that prevent third parties from interfering with human rights guarantees. The obligation to ‘fulfil’ requires States to adopt appropriate legislative, administrative,

³¹ Article 34 of Convention on the Rights of the Child..

³² Article 29 of the Universal Declaration of Human Rights.

³³ Article 12 of International Covenant on Economic, Social and Cultural Rights.

³⁴ The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies at: www.undp.org/governance/docs/HR_Guides_CommonUnderstanding.pdf

³⁵ The concepts of ‘respect, protect and fulfil’ have been adopted by the Committee on Economic, Social and Cultural Rights, the body that monitors the International Covenant on Economic, Social and Cultural Rights, as a way of analysing the obligations of States parties under the Covenant, in relation to the right to health among other rights. Committee on Economic Social and Cultural Rights (CESCR) General Comment No. 14, paras. 34-37.

budgetary, judicial, promotional and other measures towards the full realization of the right.³⁶

Many international instruments, norms and standards recognize important principles related to sexuality. Sexual rights are specific norms that emerge when existing human rights are applied to sexuality. Sexual rights protect particular identities, but reach beyond this and protect all people's right to be allowed to fulfil and express their sexuality, with due regard for the rights of others and within a framework of non-discrimination.

The following sexual rights apply basic, well-established human rights principles to the field of human sexuality. Their application is of particular importance to the poor, marginalized, the socially excluded and under-served, whether such characteristics are historical or recent. Given that IPPF affirms the universality, interrelatedness, interdependence and indivisibility of all human rights, the order in which the following sexual rights are incorporated in this Declaration do not imply a particular hierarchy. Implementation of the following articles should be informed by the general principles that precede them.

4. Intersection between Human Rights and Sexual Rights

The interrelationship between human rights and sexual rights reflects the indivisibility of the two. Without the protection of sexual rights, the full enjoyment of human rights, such as dignity, liberty, and equality, becomes illusory. As Rebecca Cook observes, "sexual rights are human rights in their most intimate form," as they relate directly to bodily autonomy and the freedom to express one's identity.³⁷ The denial of sexual rights therefore constitutes a violation of fundamental human rights principles enshrined in the UDHR, ICCPR, CEDAW, and ICESCR. Consequently, a sound conceptual foundation underscores the argument that the recognition of sexual rights is not a Western imposition but a logical extension of universally accepted human rights norms, demanding protection through both legal reform and social transformation.

APPLICATION OF INTERNATIONAL HUMAN RIGHTS TO SEXUAL ORIENTATION AND GENDER (YOGYAKARTA PRINCIPLES).

In 2005, twenty-nine experts undertook the drafting of the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity.³⁸ The document was intended to set out experiences of human rights violations against people of diverse sexual orientation and transgender people, the application of international human rights law to those experiences and the nature of obligations on States in respect of those experiences.³⁹ The Principles can be broadly categorized into the following:

1. Principles 1 to 3 set out the universality of human rights and their application to all persons.

³⁶ *Ibid*, 39.

³⁷ Rebecca J Cook, *Human Rights of Women: National and International Perspectives* (University of Pennsylvania Press 1994) 226.

³⁸ Yogyakarta Principles: Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (Yogyakarta Principles) (2007) at: www.yogyakartaprinciples.org

³⁹ See note 9.

2. Principles 4 to 11 address fundamental rights to life, freedom from violence and torture, privacy, access to justice and freedom from arbitrary detention.
3. Principles 12 to 18 set out non-discrimination in relation of economic, social and cultural rights, including employment, accommodation, social security, education and health.
4. Principles 19 to 21 emphasise the importance of freedom of expression, identity and sexuality, without State interference, including peaceful assembly.
5. Principles 22 and 23 set out the right to seek asylum from persecution of based on sexual orientation.
6. Principles 24 to 26 set out the right to participate in family and cultural life and public affairs.
7. Principle 27 sets out the right to promote and defend human rights without discrimination based on sexual orientation.
8. Principles 28 and 29 emphasize the importance of holding those who violate human rights accountable and ensuring redress for those who face rights violations.

The Yogyakarta Principles is an instrument of soft law and is therefore not binding. But it does provide an important standard for States in their obligation to protect the rights of individuals of diverse sexual orientation. Individuals of diverse sexual orientation have been discriminated against historically and continue to be a "vulnerable" group in society today. Forms of discrimination experienced by people of diverse sexual orientation include the denial of the right to life, the right to work and the right to privacy, non-recognition of personal and family relationships, interference with human dignity, interference with security of the person, violations of the right to be free from torture, discrimination in access to economic, social and cultural rights, including housing, health and education, and pressure to remain silent and invisible.⁴⁰

Seventy-eight countries maintain laws that make same-sex consensual sex between adults a criminal offence, and seven countries (or parts thereof) impose the death penalty for same-sex consensual sex. They are Iran, Saudi Arabia, Yemen, Mauritania, Sudan, the twelve northern states of Nigeria, and the southern parts of Somalia. The right to sexuality has only relatively recently becomes the subject of international concern, with the regulation of sexuality traditionally falling within the jurisdiction of the nation state.⁴¹ Today numerous international non-governmental organisations and intergovernmental organisations are engaged in the protection of the rights of people of diverse sexual orientation as it is increasingly recognised that discrimination on grounds of sexual orientation is widespread and an unacceptable violation of human rights.

Acts of Violence

Acts of violence against LGBT people are often especially vicious compared to other bias-motivated crimes and include killings, kidnappings, beatings, rape, and psychological violence, including threats, coercion and arbitrary deprivations of liberty. Examples of violent acts against people of diverse sexual orientation are too numerous to account here, and they occur in all parts

⁴⁰ M O Flaherty and J Fisher, *Sexual Orientation, Gender Identity and International Human Rights Law: Contextualising the Yogyakarta Principles*, (2008) 8 HRLR 207 at 208.

⁴¹ International Council on Human Rights, *Sexuality and Human Rights* 2009. 21

of the world. A particularly distressing example is the sexual assault and murder of fifteen lesbians in Thailand in March 2012. In that example, two lesbian couples were killed by men who objected to their relationship and who were embarrassed when they were unable to convince the women into heterosexual relationships with themselves.

Often acts of violence against people of diverse sexual orientation are perpetrated by the victim's own family. In a case in Zimbabwe, the multiple rape of a lesbian was organised by her own family in an attempt to "cure" her of homosexuality. In those cases, as in many other cases of violence against people of diverse sexual orientation, State law enforcement authorities are complicit in human rights abuses for failing to persecute violators of rights.

COMPARATIVE PERSPECTIVES ON SEXUAL RIGHTS WITHIN INTERNATIONAL HUMAN RIGHTS FRAMEWORKS

While international human rights law establishes the universality and indivisibility of all rights, the recognition and protection of sexual rights vary across jurisdictions. Examining how different legal systems have interpreted and enforced the right to sexual life provides valuable insights into the evolving relationship between sexuality and human dignity.

1. United Kingdom

In the United Kingdom, the right to sexual autonomy is primarily protected under the Human Rights Act 1998, which domestically incorporates the European Convention on Human Rights (ECHR). Article 8 of the ECHR guarantees the right to respect for private and family life, which has been judicially interpreted to include consensual adult sexual activity. In *Dudgeon v United Kingdom*,⁴² the European Court of Human Rights (ECtHR) held that laws criminalising homosexual acts between consenting adults violated Article 8. This landmark decision affirmed that moral disapproval cannot justify state interference in private sexual conduct, thereby setting a European precedent for sexual autonomy and privacy rights.

Later cases such as *Laskey, Jaggard and Brown v United Kingdom*⁴³ further explored the limits of consent in sexual activities, reaffirming that autonomy remains the core of human dignity but may be restricted in the interest of protecting public health and morality. The UK's progressive jurisprudence demonstrates that the right to sexual life is intrinsically connected to the broader concept of privacy and personal liberty.⁴⁴

2. Canada

Canada provides one of the most comprehensive constitutional protections for sexual rights through the Canadian Charter of Rights and Freedoms (1982). Section 7 guarantees the right to life, liberty, and security of the person, which has been expansively interpreted by courts to include bodily autonomy and sexual freedom. In *R v Morgentaler*⁴⁵, the Supreme Court struck down restrictive abortion laws, reasoning that the state cannot compel a woman to carry a pregnancy

⁴² (1981) 4 EHRR 149.

⁴³ (1997) 24 EHRR 39.

⁴⁴ *Dudgeon v United Kingdom* (1981) 4 EHRR 149; *Laskey, Jaggard and Brown v United Kingdom* (1997) 24 EHRR 39.

⁴⁵ [1988] 1 SCR 30.

against her will without violating her right to security and autonomy. Similarly, in *Egan v Canada*⁴⁶ and *Vriend v Alberta*,⁴⁷ the Court extended anti-discrimination protections to same-sex couples and individuals based on sexual orientation, recognizing that equality and human dignity demand respect for diverse sexual identities.⁴⁸

Canada's legal evolution illustrates how the protection of sexual rights strengthens democracy by promoting inclusion, equality, and respect for diversity within human rights frameworks.

3. South Africa

South Africa represents a model jurisdiction in the Global South where sexual rights have been constitutionally entrenched. The Constitution of the Republic of South Africa (1996) explicitly prohibits discrimination based on sexual orientation (Section 9), making it one of the first in the world to do so. The Constitutional Court has consistently upheld this principle in groundbreaking cases such as *National Coalition for Gay and Lesbian Equality v Minister of Justice*⁴⁹ which decriminalised consensual same-sex conduct. The Court **held** that criminalisation violated the constitutional rights to equality, dignity, and privacy.⁵⁰ Further decisions, including *Minister of Home Affairs v Fourie*⁵¹, extended marriage equality to same-sex couples. South Africa's jurisprudence demonstrates that recognising sexual rights as human rights contributes to dismantling historical injustices rooted in patriarchy, colonialism, and apartheid ideology.

4. European Court of Human Rights

Beyond domestic jurisdictions, the European Court of Human Rights (ECtHR) has played a central role in shaping sexual rights under the broader human rights regime. Building upon *Dudgeon*, subsequent cases such as *Norris v Ireland*⁵² and *Modinos v Cyprus*⁵³ extended similar protections to other European states. In *Christine Goodwin v United Kingdom* (2002) 35 EHRR 18, the Court recognised the right of transgender persons to legal gender recognition, linking sexual identity with the principles of private life and personal development under Article 8.⁵⁴

The ECtHR's jurisprudence reflects a growing acknowledgment that sexuality forms part of one's core identity, and its protection is essential for safeguarding dignity, equality, and freedom.

5. Implications for Nigeria

Comparatively, Nigeria's legal framework remains largely silent on sexual rights and, in some cases, overtly restrictive. The Same-Sex Marriage (Prohibition) Act 2014 criminalises not only same-sex marriage but also associations advocating for LGBTQ+ rights, contrary to Nigeria's

⁴⁶ [1995] 2 SCR 513.

⁴⁷ [1998] 1 SCR 493.

⁴⁸ *R v Morgentaler* [1988] 1 SCR 30; *Egan v Canada* [1995] 2 SCR 513; *Vriend v Alberta* [1998] 1 SCR 493.

⁴⁹ (1998) ZACC 15; 1999 (1) SA 6 (CC).

⁵⁰ *National Coalition for Gay and Lesbian Equality v Minister of Justice* (1998) ZACC 15; 1999 (1) SA 6 (CC); *Minister of Home Affairs v Fourie* (2005) ZACC 19; 2006 (1) SA 524 (CC).

⁵¹ (2005) ZACC 19; 2006 (1) SA 524 (CC).

⁵² (1988) 13 EHRR 186

⁵³ (1993) 16 EHRR 485

⁵⁴ *Norris v Ireland* (1988) 13 EHRR 186; *Modinos v Cyprus* (1993) 16 EHRR 485; *Christine Goodwin v United Kingdom* (2002) 35 EHRR 18.

obligations under the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act,⁵⁵ which guarantees equality and non-discrimination.⁵⁶ To align with international human rights standards, Nigeria must revisit these legislative provisions and adopt a rights-based approach consistent with its constitutional guarantees of dignity, privacy, and non-discrimination. Learning from comparative jurisdictions, Nigeria can develop a legal framework that respects cultural contexts while upholding the universal principle that all individuals are entitled to live freely, safely, and with dignity.

THE RIGHT TO SEXUALITY AND THE UNITED NATIONS

The United Nations Human Rights Council in a Resolution on Human Rights, Sexual Orientation and Gender Identity, on 17th June, 2011 adopted by a vote of 23 in favour, 19 against, and 3 abstentions, requested the commission of a study to document discriminatory laws and acts of violence against people based on their sexual orientation and gender identity. The 2011 Resolution was intended to shed light on how international human rights could be used to prevent acts of violence and discrimination against people of diverse sexual orientation. The first Report on human rights of LGBT people was released on 15 December 2011 by the Office of the United Nations High Commissioner for Human Rights.⁵⁷ The Report made the following recommendations.

In order to prevent such acts of violence occurring, United Nations Member States are recommended to:

1. Promptly investigate all reported killings and serious incidents of violence against LGBT people, regardless of whether carried out privately or publicly, by State or non-State actors, ensuring accountability for such violations and the establishment of reporting mechanisms for such incidents.
2. Take measures to prevent torture and other forms of cruel, inhuman or degrading treatment, ensure accountability for such violations and establish reporting mechanisms.
3. Repeal laws that criminalize homosexuality, same-sex sexual conduct, other criminal laws that detain people based on their sexuality and abolish the death penalty for offences involving consensual sexual relations within same-sex relationships.
4. Enact comprehensive anti-discrimination legislation, ensuring that combating discrimination based on sexual orientation is in the mandates of national human rights bodies.
5. Ensure that freedom of expression, association and peaceful assembly can be exercised safely without discrimination on sexual orientation or gender identity.
6. Implement appropriate training programmes for law enforcement personnel, and support public information campaigns to counter homophobia and trans phobia amongst the general public and in schools.

⁵⁵ Cap A9 LFN 2004.

⁵⁶ African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act (Cap A9 LFN 2004); Same-Sex Marriage (Prohibition) Act 2014 (Nigeria).

⁵⁷ Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law, available at <https://www.ohchr.org/Documents/Publications/BornFreeAndEqualLowRes>.

7. Facilitate legal recognition of preferred gender of transgender persons.⁵⁸

Further action is yet to be taken by the United Nations, although a proposed declaration on sexual orientation and gender identity was brought before the United Nations General Assembly in 2008. However, that declaration has not been officially adopted by the General Assembly and remains open for signatories.

CONTEMPORARY DEVELOPMENTS IN THE PROTECTION OF SEXUAL RIGHTS UNDER THE UNITED NATIONS AND GLOBAL HEALTH FRAMEWORKS

In recent years, the United Nations and its specialised agencies have advanced the recognition of sexual rights as integral components of the right to health, dignity, and equality. These efforts reflect a growing consensus that sexual and reproductive health cannot be separated from human rights obligations imposed on states under international law.

1. United Nations Human Rights Council (UNHRC) Initiatives

The United Nations Human Rights Council (UNHRC) has increasingly addressed sexual orientation, gender identity, and bodily autonomy within its resolutions. Resolution 17/19 (2011), titled Human Rights, Sexual Orientation and Gender Identity, was the first UN resolution to affirm that all human beings are entitled to the same rights and freedoms, regardless of sexual orientation or gender identity.⁵⁹ Subsequent resolutions — 27/32 (2014), 32/2 (2016), and 50/10 (2022) — established and renewed the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (SOGI).⁶⁰ These mechanisms compel states to adopt anti-discriminatory measures, repeal punitive laws, and implement educational and health policies that protect individuals' sexual and reproductive autonomy. Through periodic reports, the Independent Expert has highlighted patterns of criminalisation and discrimination in countries such as Nigeria, Uganda, and Malaysia, calling for decriminalisation and inclusive policies.⁶¹

2. The World Health Organization (WHO) and the Right to Sexual Health

The World Health Organization (WHO) has played a complementary role in promoting sexual rights through a public health lens. Its 2006 working definition of sexual health — later reaffirmed in 2010 — defines it as “a state of physical, emotional, mental and social well-being in relation to sexuality,” emphasising respect, consent, and safety.⁶² The WHO framework insists that sexual health cannot be achieved without recognition of sexual rights, including the right to

⁵⁸ Report on Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, UN Human Rights Council, 17 November, 84,

⁵⁹ UNHRC Res 17/19 (14 July 2011) UN Doc A/HRC/RES/17/19.

⁶⁰ UNHRC Res 32/2 (30 June 2016) UN Doc A/HRC/RES/32/2; UNHRC Res 50/10 (7 July 2022) UN Doc A/HRC/RES/50/10.

⁶¹ Report of the Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity (2023) UN Doc A/HRC/53/35.

⁶² World Health Organization, *Defining Sexual Health: Report of a Technical Consultation on Sexual Health* (Geneva, WHO 2006).

information, bodily integrity, and freedom from violence and coercion.⁶³ The WHO and the United Nations Population Fund (UNFPA) have also developed joint guidance linking the right to health (Article 12 of the International Covenant on Economic, Social and Cultural Rights) with state obligations to provide accessible, quality sexual and reproductive health services.⁶⁴ These instruments encourage states to eliminate stigma in healthcare systems and ensure equal access to reproductive services for all individuals, including those from marginalised sexual minorities.

3. The Committee on Economic, Social and Cultural Rights (CESCR)

The Committee on Economic, Social and Cultural Rights (CESCR), in General Comment No. 22 (2016) on the right to sexual and reproductive health, explicitly recognises sexual rights as part of the right to health guaranteed by Article 12 of the ICESCR.⁶⁵ The Committee emphasises that state obligations extend beyond service provision to include respect for bodily autonomy, gender identity, and sexual orientation. It condemns laws that criminalise consensual same-sex conduct, restrict access to contraception or abortion, or perpetuate gender-based discrimination as violations of both the right to health and equality.⁶⁶

General Comment No. 22 also requires that states ensure participation of affected populations in decision-making processes and that healthcare policies respect confidentiality, privacy, and informed consent. These obligations are particularly relevant for jurisdictions like Nigeria, where punitive moral codes often limit open discussion of sexuality in health and legal institutions.

4. The United Nations Treaty Bodies and Universal Periodic Review (UPR)

Treaty monitoring bodies, including the Human Rights Committee (HRC), the Committee on the Elimination of Discrimination against Women (CEDAW), and the Committee on the Rights of the Child (CRC), have progressively adopted inclusive interpretations of sexual rights. The Human Rights Committee, for instance, in *Toonen v Australia* (1994) Communication No. 488/1992, found that criminalisation of consensual same-sex relations violated Articles 17 and 26 of the International Covenant on Civil and Political Rights (ICCPR), affirming that “*sexual orientation*” falls within the prohibition of discrimination based on “sex.”⁶⁷

Similarly, the CEDAW Committee, in its General Recommendation No. 24 (1999) and No. 35 (2017), affirmed that women’s rights to control their sexuality and reproductive choices are central

⁶³ World Health Organization, *Sexual Health, Human Rights and the Law* (WHO, 2015) 7–9.

⁶⁴ United Nations Population Fund and WHO, *Ensuring Human Rights in the Provision of Contraceptive Information and Services* (2014).

⁶⁵ Committee on Economic, Social and Cultural Rights, General Comment No. 22: The Right to Sexual and Reproductive Health (Article 12 of the ICESCR) (2016) UN Doc E/C.12/GC/22.

⁶⁶ *ibid*, para 23–28.

⁶⁷ *Toonen v Australia* (1994) Communication No. 488/1992, UN Doc CCPR/C/50/D/488/1992.

to gender equality.⁶⁸ The CRC Committee also recognised that adolescent sexual health and education are critical for protecting children's evolving capacities and human dignity.⁶⁹

The Universal Periodic Review (UPR) process has become a strategic avenue for holding states accountable for violations of sexual rights. Recommendations issued to countries such as Nigeria, Kenya, and Egypt have repeatedly called for the repeal of laws criminalising same-sex conduct and the adoption of comprehensive sexual health education policies.⁷⁰

5. Integrating UN and WHO Frameworks: Towards a Holistic Legal Understanding

The cumulative effect of these UN and WHO initiatives demonstrates a paradigm shift from moralistic to rights-based governance of sexuality. By integrating international health frameworks with legal norms, the United Nations has provided states with a coherent standard that combines public health imperatives and human rights obligations.

This approach reinforces that sexual rights are not special rights, but fundamental expressions of equality, privacy, and dignity protected under existing human rights law. For states such as Nigeria, the challenge lies in reconciling domestic socio-cultural attitudes with international commitments under treaties like the ICESCR, ICCPR, and the African Charter on Human and Peoples' Rights.

The advancement of global standards on sexual rights suggests that compliance is not only a matter of legal obligation but also a public health necessity, one that requires legislative reform, judicial engagement, and educational transformation.

CONCLUSION

The protection of sexual rights requires a multi-dimensional approach that combines law reform, public health initiatives, education, and international cooperation. By implementing these recommendations, states can fulfil their obligations under human rights law while promoting health, dignity, and equality for all individuals. Legal recognition of sexual rights is thus not merely a normative aspiration but a practical necessity for sustainable development, social justice, and public health advancement. The phrase human rights related to sexuality is often used to the term sexual rights is narrowly interpreted in terms of reproductive rights and abortion, women's rights, or the rights of LGBT individuals. Thus, the inclusive nature of sexual rights is often misunderstood without first establishing their legitimacy as human rights. Another suggestion is to focus on one list of sexual rights because content of the different lists overlaps significantly.

States are required to guarantee non-discrimination in the exercise of all human rights for everyone, regardless of sexual orientation or gender identity. This is an immediate and cross-cutting obligation under international human rights law. States should enact comprehensive legislation

⁶⁸ CEDAW Committee, General Recommendation No. 24: Women and Health (1999) UN Doc A/54/38/Rev.1, chap. I; CEDAW Committee, General Recommendation No. 35 on gender-based violence against women (2017) UN Doc CEDAW/C/GC/35.

⁶⁹ Committee on the Rights of the Child, General Comment No. 20: The Rights of the Child during Adolescence (2016) UN Doc CRC/C/GC/20.

⁷⁰ UN Human Rights Council, Universal Periodic Review – Compilation of Recommendations: Nigeria (Third Cycle) (2023).

that prohibits discrimination on the grounds of sexual orientation and gender identity in both the public and private sphere. States must guarantee the rights to freedom of expression, association and peaceful assembly to everyone, regardless of sex, sexual orientation or gender identity, and must ensure that any restrictions on these rights are not discriminatory. In order to protect the exercise of these rights, States must prevent or effectively investigate and punish acts of violence and intimidation by private parties. It is hereby contended that there are connections between sexual rights and international human rights.

RECOMMENDATIONS AND POLICY IMPLICATIONS

The analysis of sexual rights within the framework of international human rights law and public health norms highlights both the progress made and the challenges that remain. Based on the review of UN resolutions, WHO frameworks, treaty body jurisprudence, and national legal contexts, the following recommendations are advanced:

1. Legislative Reform and Decriminalisation

States must harmonise domestic laws with international human rights obligations. This includes:

- i. Repealing criminal provisions that penalise consensual same-sex conduct or restrict access to sexual and reproductive health services;
- ii. Ensuring that laws protecting sexual autonomy, bodily integrity, and reproductive choice are clearly codified and enforceable;
- iii. Adopting gender-neutral language in legal statutes to protect all individuals equally, regardless of sexual orientation or gender identity; and
- iv. Legislative reform not only ensures compliance with treaties such as the ICCPR and ICESCR but also reduces stigma and fosters inclusive governance.⁷¹

2. Strengthening Institutional Mechanisms

States should establish independent monitoring and enforcement mechanisms to guarantee sexual rights:

- i. National human rights commissions should integrate sexual rights monitoring in their mandates;
- ii. Judicial and quasi-judicial bodies must receive training on sexual rights, public health law, and anti-discrimination standards; and
- iii. Healthcare regulatory authorities should enforce professional standards that protect confidentiality, informed consent, and non-discrimination.

These measures align with the UNHRC mandates and WHO guidelines, ensuring that violations of sexual rights are effectively addressed.⁷²

3. Comprehensive Sexuality Education

The development and implementation of age-appropriate, culturally sensitive, and scientifically accurate sexuality education are essential. Key components include:

⁷¹ UNHRC Res 17/19 (2011) UN Doc A/HRC/RES/17/19.

⁷² Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2023) UN Doc A/HRC/53/35.

- i. Knowledge about sexual and reproductive health, consent, and bodily autonomy;
- ii. Awareness of human rights obligations and protection mechanisms; and
- iii. Programs to combat stigma and discrimination against sexual minorities.

Evidence from WHO and UNFPA reports indicates that comprehensive education significantly reduces health risks, gender-based violence, and discriminatory practices.⁷³

4. Access to Health Services

Ensuring universal access to sexual and reproductive health services is critical. Policy measures should include:

- i. Provision of affordable and confidential services, particularly for adolescents, women, and sexual minorities;
- ii. Training healthcare professionals on non-discriminatory practices; and
- iii. Integration of mental health services with sexual health services to address holistic well-being.

5. Multi-Stakeholder Engagement

Collaboration between governments, civil society, professional associations, and international organisations enhances policy implementation. Effective partnerships can:

- i. Mobilise resources for sexual rights protection and awareness campaigns;
- ii. Facilitate research and data collection on sexual health disparities; and
- iii. Monitor compliance with international human rights obligations through reporting and advocacy.

6. Recommendations for Nigeria and Similar Jurisdictions

- i. Engage with UN mechanisms such as the UPR and treaty bodies to adopt recommendations, strengthening accountability and transparency;
- ii. Amend health policies to explicitly integrate sexual rights as part of public health objectives.
- iii. Initiate a national dialogue on decriminalising consensual same-sex conduct, grounded in constitutional guarantees of equality and dignity.

⁷³ World Health Organization, *Sexual Health, Human Rights and the Law* (WHO, 2015) 7–12; United Nations Population Fund and WHO, *Ensuring Human Rights in the Provision of Contraceptive Information and Services* (2014).