

Bodily Autonomy & Integrity

The recognition of women's sexual and reproductive rights – that is, their ability to take decisions in relation to their bodies and sexuality – is a prerequisite for ensuring their full enjoyment of rights. The same principles apply to the lives of lesbian, gay, bisexual, trans and intersex (LGBTI) individuals: having autonomy to determine their own fate without undue policing of their bodies is a pre-requisite to living a life with dignity.

The IE SOGI has issued a thematic report to investigate how the concept of gender has been incorporated in international human rights law and analyse the practices of exclusion that offer resistance to the progressive adoption of gender frameworks. The findings indicate that anti-gender narratives present a threat to the human rights of women and LGBTI persons - among them, the rights to bodily autonomy and integrity.

The danger of anti-gender narratives

The concept of gender first appeared in feminist writings in the 1970s to challenge the then-dominant position of biological determinism, investigating the relational aspects of femininity and masculinity. Since then, regional and international human rights mechanisms, worldwide scholarship, national legislations and jurisprudence have established sex and gender as related but autonomous concepts.

Anti-gender narratives conflate the biological reality of sex characteristics with the social construct of gender. They gained traction in the 1990s as an attempt to halt advances regarding women's empowerment, as the proposals made during the Cairo and Beijing World Conferences (in 1994 and 1995, respectively) were seen as an alleged danger for family models deemed as traditional. Most notably, they oppose sexual and reproductive rights, comprehensive sexuality education and the rights of LGBTI persons.



The concept of a natural order as the guiding principle of human and social existence is present in different conservative doctrines. The Holy See's doctrine of complementarity, for example, holds that women and men are not equal but rather have complementary social roles, an arrangement which "allows a thorough response to the design of God according to the vocation to which each one is called." According to this doctrine, traits are possessed by persons with direct relation to the meaning attached to the sex that they are assigned at birth. Women are seen as inherently more affectionate and nurturing than men, hence they should fulfil their cultural and spiritual calling to motherhood.

This pseudo-biological argument calls into question the rights of all women, as it curtails their freedom and assigns them a precarious social position. Such narratives define women's bodies and reproductive abilities as patrimonies of the collective, subject to decisions as to what is considered the common good and represent an attack to their sexual and reproductive rights. The rationale behind these narratives, however, have similar



The impact on LGBTI persons

Individuals departing from gender norms and societal expectations are under attack in many parts of the world. Gender norms determine what are acceptable and appropriate actions for human beings according to their categorization as women or men. They are distinctly rigid, ingrained in formal and informal institutions, and constantly reinforced through social interactions. Individuals are expected to adopt roles, forms of expression and behaviours that are considered entitlements or burdens according to sex assigned at birth. Any deviation from that norm tends to be met with censure and sanctioning, as the system creates a strong pressure to conform.

Bodily integrity, or freedom from physical non-consented acts, is directly violated by different forms of violence bearing direct relation with efforts to hammer persons into moulds of sex or gender and the connected stereotypes. That reality affects particularly intersex and trans persons, but other examples are lesbian women who are tortured through rape heinously called “corrective;” gay men, through coercive anal examinations; and all persons who are subjected to practices of “conversion therapy”.



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consequences to women and LGBTI persons: their bodies are effectively taken out of their control and placed under the custody of the State, the community, or the family.

“Where there are gender-discriminatory social norms, women’s and girls’ bodies can be subject to choices made not by them, but by others, from intimate partners to legislatures. When control rests elsewhere, autonomy remains perpetually out of reach”.

State of the World Population, 2021 - UNFPA

Around the world, intersex children are subjected to medically unnecessary surgeries, hormonal treatment and other procedures in an attempt to forcibly modify their appearance or physical development to be in line with societal expectations about female and male bodies. At the root of these violations lie harmful stereotypes, stigma, taboos and pathologization.

Early surgeries on intersex children are a blatant and cruel effect of gender binary norms, which have been denounced by UN and regional human rights mechanisms. States must act to protect the right to bodily integrity, autonomy and self-determination of intersex children by prohibiting what are heinously called “normalising” medical procedures.

The definition of bodily autonomy is also of fundamental importance for trans persons who face cruel, inhuman and degrading treatment, and possible torture, in the form of abusive requirements for gender recognition such as medical certification, surgery, treatment, sterilization or divorce. It is the State’s duty to confer every human being with the freedom to determine the confines of their existence - that means establishing no invasive preconditions to legally recognize a person’s gender identity by way of self-determination.

Furthermore, access to transition related medical care is part of the measures ensuring bodily autonomy for trans persons; efforts to criminalise or restrict such access are concerning and represent an imminent threat to their human rights.