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ORIGINAL ARTICLE

Sexual rights of disabled persons: Between uniformity and diversity[☆]



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Summary This article examines the bases of the claims of some of the associative movements to gain the respect for sexual rights of people with disabilities. The author questions the ideological bases of these claims and shows that failing to articulate a policy on sexual rights that challenges the right to resemblance, the basis for social inclusion, generates claims that are on a normalizing track. This standardizing strategy refuses to acknowledge its discriminatory potential and masks other forms of sociability and intimacy drawn from the specific experiences of people with disabilities. It represents a significant restriction of the agenda of struggles that would without a doubt benefit to consider sexual rights in order to examine the proposed solutions and enable the proliferation of identities and alternative forms of sexual life.

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Sexual health¹ is a worshiped value in contemporary Western societies. It is important to acquire sexual well-being which takes part in the happiness of the individual. However, this state is not accessible to everyone. Barriers that inhibit the free exercise and fulfillment of their sexuality compromise

the sexual health of people with disabilities.² First, limitations are imposed by the disabilities themselves. Adverse reactions of others to their expressions of interest regarding sexuality must also be added. These obstacles have to be removed since individuals with disabilities have the right to develop a sex life, a right that is recognized by many

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¹ The World Health Organization defines sexual health as a state of physical, emotional, mental and social well-being in relation to sexuality (WHO, 2006).

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² In France, the legislator has proposed a definition of disability in the February 11th, 2005 law regarding equal rights and opportunities, participation and citizenship of people with disabilities (République Française, 2005). Article 2 states that "is considered a handicap for people to be limited in their activities or restricted in their participation in social life due to the alteration of one or more physical, sensory, mental, cognitive or psychic function, a multiple disability or an incapacitating health disorder" (free translation, p. 2353).

international organizations.³ The respect and protection of sexual rights⁴ are considered necessary for the achievement and preservation of sexual health (WHO, 2006).

Two adverse views can be drawn from the evolution of the sexual rights of people with disabilities. The first is optimistic and highlights the benefits gained by respecting sexual rights. Among these benefits is the fact that people with disabilities are considered as persons with full legal personality, full citizens. Sexual rights granted to these people have been a source of creativity for their sexual well-being. Initiatives of all kinds enrolling in the wake of sexual rights claims have wanted to contribute to the progress regarding the sexual health of people with disabilities (Dupras, 2014). Another vision, this time pessimist, acknowledges that the adherence to the principle of sexual rights is not a guarantee that they will be respected and implemented. In some contexts, sexual rights are not the reality for the greatest number of people with disabilities. Pockets of resistance and multiple forms of discrimination remain, which led the United Nations to urge the signatories countries of the Convention on the Rights of Persons with Disabilities to “take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships on an equal basis with others” (ONU, 2006, Article 23).

Instead of taking refuge in a triumphalist and defeatist vision of sexual rights, it is preferable to adopt a battle position for their recognition. A social movement to claim sexual rights requires changing the relationship between people without disabilities and those who are in a disabling situation.⁵ Developing a sense of similarity that promotes tolerance and openness towards the other can do this change. Indeed, we have to acknowledge that we share the same emotional and sexual needs. This strategy requires an analysis because there is a risk of standardization of sexuality at the expense of emancipation. Therefore, the right to diversity is another avenue worth exploring.

³ The United Nations Convention on the Rights of Persons with Disabilities of 2006 requires States Parties to “provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes” (Article 25a).

⁴ Sexual rights include all rules governing behaviors and social relationships related to sexuality. Sexual rights are universal human and equal rights that have principles and ethical values such as freedom, security, integrity, dignity and non-discrimination. Organizations, including the World Association for Sexual Health (WAS, 2014) and the International Planned Parenthood Federation (IPPF, 2008) have developed a sexual rights charter. Some communities have developed a specific sexual rights charter for disabled people, including the Disability Rights California (2007) movement, which inserted a chapter on sexual rights in its statement.

⁵ Two major positions guide the movement defending the rights of people with disabilities. For Shakespeare (2006), it is preferable to adopt a disability policy that blurs the difference: “The goal of disability politics should be to make impairment and disability irrelevant whenever” (p. 82). For Davis (2006), it is necessary to emphasize the difference: “But dismodernism argues for a commonality of bodies within the notion of difference” (p. 276).

The right to similarity

The right to similarity is an increasingly used argument to restore disability in ordinary human life. The perception of disabled people as being similar requires regaining the constitutive similarity of all human beings (Moyse, 2007). We all share a common feature: our vulnerability. It is therefore important to tame our fears regarding disability: “we must first recognize that disability makes us even more afraid that we can indeed experience one day” (free translation, p. 37). Not being afraid by the presence of people with disabilities will help to see them as our fellow men and not as monsters.

For a long time, the right to be different was often mentioned in the claimants’ discourses to recognize the characteristics that distinguish people with disabilities, but now it has become increasingly common to use the right to similarity (Grosyeux, 2011). By accepting our differences, we share values and ideals that help develop a sense of belonging to the same humanity. Similarity between all human beings helps the construction of social links between people with different physical and psychological conditions. Accepting similarity requires an education that should start early in a child’s life. For example, Quebec office for persons with disabilities has developed educational tools to increase awareness of students with disabilities (Point and Veillette, 2013). It offers an educational activity entitled *Toi et moi, on se ressemble* (You and I, we are alike) for the 2nd year students of the first primary cycle (equivalent to the CE1 in France): “This activity aims to show that there are more similarities than differences between people with disabilities and others. By using self-awareness and comparison exercises, students are asked to compare themselves with a young person with an intellectual disability and see the similarities between them” (p. 19, free translation). Educational activities include the identification process where students who learn together accept each other and recognize themselves in the other. By being partially similar, students with disabilities now have a right to similarity.

The right to similarity argument can be used to enforce a sex standardization policy. Society pressures individuals leading them to conform to group norms and prevailing patterns, thus making them similar one another. Society requires compliance to ensure social coherence and solidarity between members (Bourricaud, 2008). If people with disabilities want to be recognized and accepted by their environment, they are required to conform to the beliefs and customs of the group to which they belong. Sexual norms provide ways of thinking and acting regarding sexuality and authorities have ways to ensure compliance with these norms. However, monitoring and sanctions are not enough to achieve sexuality normalization, standards must be internalized and integrated within the thought and behavioral patterns of the individual in a socialization process.

Awareness campaigns promote the right to similarity. In a specific case, the public is invited to a gathering using the slogan: “Come with your differences, leave with your similarities” (see: www.defestival.org). What are these similarities? Is it to share emancipatory or conservative

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