

The 8 March Principles: a charter of men's sexual rights

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The 8 March Principles is a document planned at a 2018 meeting of UNAIDS, the UN organisation to combat AIDs and the OHCHR, the UN human rights organisation. It was composed by the ICJ, the International Committee of Jurists. It was launched in March this year by UNAIDS and the OHCHR (UNAIDS, 2023). Its origins are impressive and likely to give it considerable weight in international law and politics. I will argue that it constitutes a charter of men's sexual rights.

It is a document aimed at removing certain activities relating to sexuality and reproduction, and, puzzlingly, poverty and homelessness, from the purview of the criminal law. The document begins with 2 Principles related to the freedom of women to control their own reproduction which are relevant to its launch on International Women's Day. I call this practice in which male dominant institutions issue proclamations of their interests in the name of women, feminist washing. It resembles what is called green washing, in which the corporations that are destroying life on earth engage in publicity and some minor activities that pretend to promote an environmentally friendly agenda.

But at the heart of the document, are Principles which are very much at odds with the interests of women. They relate to a variety of forms of men's sexual practice and particularly some gay men's sexual practice, such as using women and girls and men and boys in prostitution, using children for sex, and protecting all forms of supposedly consensual sexual practice from criminalisation. This protection of consensual sex does not, as the document stands, have any limits. As it stands, it can include practices such as strangulation and amputation and all the diverse forms of BDSM, for instance.

It is, in the main, a sexual libertarian document aimed at promoting and protecting the sexual freedom of men to engage in their favoured sexual pursuits. Men demand freedom to engage in or inflict whatever sexual practices they wish upon the less powerful, women and children. Women require freedom from having these practices carried out on them. There is nothing in this document about protecting women from rape, sexual coercion, sexual harassment. These are all practices which restrict or destroy the exercise of women's rights as human rights. They are not mentioned here, and this should make it immediately clear that this is a document that promotes men's freedom to aggress against women with no consideration about how men's sexual violence limits and often ends women's lives.

UNAIDS

It is useful to consider the interests that UNAIDS, which is one of the sponsors of the Principles. UNAIDS, under the influence of the gay men who have played a key role in the organisation, always promoted the decriminalisation of prostitution, for instance. The feminist understanding that the prostitution of women is a form of men's violence and should be abolished, has never played any part in the organisation's thinking. UNAIDS has always argued that decriminalising prostitution, i.e. promoting a global sex industry, is vital to combatting AIDs. Decriminalisation and the promotion of the sex industry form one of the Principles in the document.

It is interesting to note that the Executive Director of UNAIDS, Michel Sidibe, stood down in 2019 after an investigation into sexual harassment at the organisation under his watch. As it was reported in the press at that time, an investigative panel 'concluded that a "boy's club" culture exists that does not effectively prevent or address sexual harassment, bullying, and abuse of power' (Cohen, 2018).

At the time of the meeting at which this document was planned, 2018, Sidibe was the director of this 'boys' club'. I think it is fairly clear from the 8 March Principles that they emanated from and represent the interests of an organ of male domination.

The Foreword to The Principles is by Edwin Cameron, who is described in the information I found about him as a 'proudly gay man', who is a retired judge from South Africa. He was hailed by Nelson Mandela as a hero for his gay activist work. Most importantly he has always campaigned for the full decriminalisation of prostitution (United Nations, 2019). In that way he can be seen as a staunch opponent of the international feminist campaign to abolish this form of male violence against women.

Yogyakarta Principles

The 8 March Principles are not without precedent. This document was preceded by the Yogyakarta Principles, promulgated in 2007 with a follow up set of demands in 2010 (Jeffreys, 2018). The Yogyakarta Principles purported to be about gay rights but the rights of transvestites were attached umbilically to gay rights in the document. It contained demands for transvestites to be able to legally self-identify as women and to something called 'gender expression' i.e. crossdressing in public, and for the right of transvestites to be accepted as if they had changed sex and were women and should enter all women's spaces.

The sellotaping of transvestite rights on to gay rights tactic has been very successful. The Yogyakarta Principles have been cited by many governments and organisations as influencing their policies of protecting men's fantasy identities and undermining women's sex-based rights. Though they do not have the force of law, they have had a moral force which has been very dangerous to women's interests.

At the UN level, the tactic of attaching the so-called rights of heterosexual male fetishists to crossdress for sexual purposes has been firmly attached to gay rights with the use of term SOGIES, i.e. sexual orientation, gender identity and expression. Gay rights are now rarely mentioned without their Frankenstein companion of transvestites' rights. The sellotaping of transvestite rights to gay rights has caused many people who seek to be progressive to assume that transvestite rights are something to do with homosexuality and must be supported.

In fact, the 'gender' section of the Yogyakarta Principles forms part of a project of protecting the sexual perversions of men, such as the masochistic excitements of dressing as and forcing themselves into the intimate spaces of the underclass of women, in international law and national legislatures. In very many countries, as we know, this has succeeded in relation to transvestism and men have the right to declare themselves to be women and roll back or overthrow women's sex-based rights.

In my most recent book, *Penile Imperialism: the male sex right and women's subordination*, I explained that there have been great efforts since the sexual revolution of the 1960s/70s to normalise a range of what were previously understood as men's sexual perversions so that men may engage in these sexual practices openly or even with social approval (Jeffreys, 2022). The practices I covered included pedophilia, sadomasochism and transvestism, and the prostitution abuse of women, all of which are central to the 8 March Principles. The 8 March Principles are an excellent example of how far the normalisation of men's sexual perversions and of the promotion and protection of the male sex right have forced their way into the very centre of international male domination. The 8 March Principles, however, go much further than the Yogyakarta Principles towards the promotion and protection of men's sexual rights.

The Principles

I shall now go through the activities which the 8 March Principles seek to protect and foster. I shall show the implications of these often rather vague statements for women's sex-based rights and the rights of children.

Principle 14 Sexual and Reproductive Health and Rights.

The first Principle to specify an area in need of protection is No 14 which relates to Sexual and Reproductive Health and Rights. It states that:

Criminal law may not in any way impair the right to:

- a) make and act on decisions about one's own body, sexuality and reproduction such as about pregnancy; contraception, including emergency contraception; comprehensive abortion care; prophylaxis for sexually transmitted infections; gender-affirming care/therapy;

There is much that is good about this principle. All of it, apart from the last category ‘gender-affirming care’, could benefit women. It is vital that women’s rights to control their own bodies are not criminalised. But somehow, ‘gender-affirming care’ i.e. the right of children and adults to pursue the fantasy of having a problem ‘gender identity’ has slipped in here as if this form of medical harm is in any way equivalent to women’s right to prevent unwanted childbearing.

There is a problem however. The document does comment that there may be many activities which are not specifically mentioned in any one of the Principles, but which should come under their general object of opposing criminalisation. One of these is what they call ‘non-exploitative surrogacy’ which could be seen to fit into the statement in the Principles that women should have complete control over pregnancy. All surrogacy, however, entails placing women into a form of reproductive slavery with seriously harmful effects on the mothers and children. There is no nice and cuddly kind. But surrogacy is important to some gay men, who have been at the centre of creating an international industry through which these men can acquire children without having to relate to women.

Principle 15 Abortion

Principle 15 which states that ‘Criminal law may not proscribe abortion’ is very important to women. The rest of the document, however, is a specifically male sexual rights agenda, apart from the strange section on poverty at the end.

Principle 16 Consensual sexual conduct

The section of the document which constitutes a men’s charter of sexual rights begins with Principle 16 which seeks to remove any form of sexual practice which can be justified with the idea of ‘consent’ from the remit of the criminal law.

Consensual sexual conduct, irrespective of the type of sexual activity, the sex/gender, sexual orientation, gender identity or gender expression of the people involved or their marital status, may not be criminalized in any circumstances.

Insofar as this relates to the removal of homosexuality from the criminal law, this is a very important Principle. There are many countries in which lesbians and gay men face serious penalties as a result of who they love.

But there are a number of problems with this. One is that there are definitely some kinds of sexual practice which can be defended by consent which should face the sanction of the criminal law. Another is the fact that ‘consent’ can be and is used to justify adult men sexually using children.

As I argue in *Penile Imperialism*, ‘consent’ is not useful as a way of distinguishing abusive and even violent sex from that which is a wanted activity

that women wish to engage in. A woman can be seen to consent, or even see herself as consenting if she simply allows a man to insert his penis whilst she does something else, like reading her novel. Men will penetrate women even when they are crying, even when they are unconscious. Such use may be experienced as abusive by the woman but she may not feel able to prevent it or object because heterosexual relationships are based on a profound power imbalance and she has been trained to think she should allow her body to be used in the satisfaction of the male sex right. She may suffer adverse behaviour or violence if she objects.

The idea of consent provides an excuse for men using women for their own satisfaction who would rather be somewhere else, an excuse for men using women with no respect for their pleasure or their personhood. Women are not trained in school and university to recognise whether men have consented to their sexual use, because women do not use men simply as bodies for their pleasure. Men's harassment to force women to submit to unwanted sexual use is unquestioned. Men do not have to worry about whether they 'consented'. This makes it clear that consent is simply a mechanism for enabling the abuse of women.

Consent, for instance, is the main, and perhaps only, justification for what used to be called sadomasochism and is now called BDSM. Since the 1970s, as I point out in *Penile Imperialism*, there has been a powerful campaign, mostly by gay men, to normalise and decriminalise sadomasochism. In the practice of sadomasochism by both gay and straight men, coercive control is normalised and practices that include many forms of vicious violence, beating, cutting and piercing, flaying, removal of body parts, testes in particular, are routinely carried out.

The Operation Spanner case in the UK

This Principle on consent would require British legal principles established in the Operation Spanner case to be overthrown. In 1989 there was a trial of 16 men in connection with an investigation over several years into a sadomasochism network of gay men in the UK (for more detail see Jeffreys, 2022). The main man involved in running the 'disorderly houses' in which the men were violent to each other was a former pig breeder. The court determined that any acts which left 'lasting scars' were assault. The perpetrators were found guilty of assault occasioning actual bodily harm and the victims, of aiding and abetting. The men filmed their acts and this was useful to the prosecution.

Gay male BDSM networks in the UK can at this time be dealt with under the criminal law. This month, for instance, a trial is taking place at the Old Bailey in London in which a number of men are charged with grievous bodily harm and conspiracy to commit grievous bodily harm related to 'extreme body modification' practised upon other men (Sinmaz, 2023). The acts were filmed

and uploaded to a website which could be accessed on a pay per view basis. The acts involved include removal of nipples, removal of testes and removal of penises to create ‘nullos’, a well-known practice in gay sadomasochism in which men seek to make themselves smooth. They include the clamping of testicles. They include too, the freezing of a leg such that so much damage was done that the victim could go to a hospital and get his leg surgically removed.

Women are seriously imperilled by the demands of gay male BDSM practitioners to be allowed to do violence in the name of sex. The normalisation of sadomasochism has led to the introduction of practices of vicious violence into ordinary heterosex such as strangulation and suffocation. Strangulation and suffocation have extremely serious effects on women’s health with the possibility of lifelong brain injury. Men who engage in this practice argue that the women consent. In the UK in 2022 a new law was introduced which penalises ‘non-fatal strangulation or suffocation’ (GOV.UK, 2022). This would certainly fall foul of Principle 16.

Child sexual abuse

The second part of the consent Principle purports to be about the right of young people under 18 years to engage in sex without punishment. It sees age of consent laws as an obstacle, as unreasonably ‘criminalising’ sexual activity. It could be interpreted as being about the unproblematic practice of young people having sexual relationships with others of the same age. In fact, it is likely to be about the right of adult men to sexually use children and teenagers. There is no campaign by teenagers for the right to be penetrated by adult men, but there is a very serious campaign and has been for 60 years, by adult men, usually gay, to get legal access to children (see Jeffreys, 2022).

The second part of Principle 16 states:

Moreover, sexual conduct involving persons below the domestically prescribed minimum age of consent to sex may be consensual in fact, if not in law. In this context, the enforcement of criminal law should reflect the rights and capacity of persons under 18 years of age to make decisions about engaging in consensual sexual conduct and their right to be heard in matters concerning them. Pursuant to their evolving capacities and progressive autonomy, persons under 18 years of age should participate in decisions affecting them, with due regard to their age, maturity and best interests, and with specific attention to non-discrimination guarantees.

Nothing here specifies that it relates to same age sexual relations. As it stands it can include relations between those under the age of consent and adult men. Gay men who desire to have legal sexual access to children have always campaigned for this under the banner of ‘children’s sexual rights’, rather than their own interests, in order to sound socially progressive rather than predatory.

This was the case in the 1970s in the UK, when a campaign by many gay men to remove the age of consent so that they could use children reached considerable political acceptance, particularly with what was then the National Council for Civil Liberties and is now Liberty. These men wanted to abolish the age of consent or perhaps lower it to 4. Feminists, including me, fought these men and we were successful. But the campaign never completely went away and is now ramping up again. Principle 16 shows how successful it has been.

The International Committee of Jurists took 5 years to compose their Principles but somehow failed to notice that this Principle about the sexual rights of children could lead to confusion as to whether they were enabling child sexual abuse. There was an immediate outcry and the ICJ was forced to clarify that they are not demanding the abolition of age of consent laws (International Committee of Jurists, 2023). But what exactly they are asking for is rather unclear.

The clarification states:

The commitment of the United Nations to fighting the sexual exploitation of children and the content of The 8 March Principles have subsequently been seriously misrepresented on a number of social media and websites. The 8 March Principles do not call for the decriminalization of sex with children, nor do they call for the abolition of a domestically prescribed minimum age of consent to sex.

What children and young people very badly need is protection from predatory men in their households, schools, organisations, streets and religious organisations. There is nothing about protection in this document.

Principle 17 Sex Work

Principle 17 requires the decriminalisation of prostitution. The use of the term ‘sex work’ here demonstrates the politics that the document represents. Language is important and feminists involved in opposing this form of male violence do not seek to normalise this abusive practice by pretending that it is just an ordinary form of work. We use the term ‘prostituted women’, to make it clear that something is done to the women, something which we consider to be a form of violence.

As I explained in *Penile Imperialism* and in my two books on prostitution, the warehousing of girls and women for men’s sexual use is fundamental to male domination. Men’s sex right to women must be satisfied and the governments of male domination determinedly organise the destruction of women to satisfy it. Thus, the industry of prostitution and pornography is generally not only decriminalised but serviced and supported through regimes of licensing, legalisation and decriminalisation. Principle 17 supports this:

The exchange of sexual services between consenting adults for money, goods or services and communication with another about, advertising an offer for, or sharing premises with another for the purpose of exchanging sexual services between consenting adults for money, goods or services, whether in a public or private place, may not be criminalized, absent coercion, force, abuse of authority or fraud. Criminal law may not proscribe the conduct of third parties who, directly or indirectly, for receipt of a financial or material benefit, under fair conditions – without coercion, force, abuse of authority or fraud – facilitate, manage, organize, communicate with another, advertise, provide information about, provide or rent premises for the purpose of the exchange of sexual services between consenting adults for money, goods or services.

This Principle is in direct contradiction to what many feminists have campaigned for internationally since the mid-1980s, that is to end men's prostitution abuse of women and girls. I was involved in this work for two decades through the Coalition Against Trafficking in Women Australia. The 8 March Principles demand the decriminalisation of all activities associated with prostitution. Feminist abolitionists, i.e. those who campaign to abolish prostitution entirely, seek to decriminalise those who are prostituted, on the grounds that they are victims of this form of men's violence. But they seek to penalise the male buyers and all those who make a third-party profit from the practices such as pimps, brothel owners, advertisers and so on.

There are many countries currently who have responded to the feminist campaigns and passed legislation which penalises the male buyers including Sweden, Norway and France. This legislation is created on the understanding that prostitution is a form of male violence which causes great harm to the women and girls who are prostituted. This progressive legislation which recognises women's rights to be free from coerced use of their bodies, would fall foul of this Principle.

I suspect that women here today will not need any information on the harms of prostitution but I will repeat some of them anyway, just to show how outrageous it is that this document demands that this harm must continue without penalty and the industry must be allowed to build and exploit millions of girls and women internationally with no restrictions in the service of the male sex right.

Prostitution damages women's life chances and has considerable opportunity costs with girls regularly being prostituted when teenagers and finding it very hard without education and experience to exit the harm (Jeffreys, 1997; Jeffreys, 2008). It damages women's health, causing unwanted pregnancies, sexually transmitted disease and all the results of violence such as brain damage from being hit. It causes psychological harm in the form of post-traumatic stress disorder from the lifelong psychological dissociation, the separation of mind

and body, needed to survive the abuse, constant numbing, and reactions to years of rape and sexual assault on all parts of the body. It creates a global trafficking industry in which women and girls are enslaved to ensure the supply of women to the trade. It cannot be separated out from child prostitution since most prostituted women start under 18 and the male customers pay the highest price for the youngest bodies. In most forms of work, experience is desirable so this demand for an unused body separates out prostitution fundamentally from other forms of work. It is ‘work’ in which the smallest and tightest tube for use is the most profitable.

Whilst men can buy the use of the bodies of women and girls for sexual satisfaction there is no chance of creating an egalitarian sexuality which is consistent with women’s freedom. Prostitution creates a model for sexuality based on women’s slavery which makes it impossible to imagine a world in which women are full human beings with human rights equal to those of the men who use them.

It is deeply shocking at this time when there is considerable recognition in many jurisdictions of the terrible harms of prostitution, that the most significant of UN bodies such as the OCHRC should be putting their weight behind the promotion and expansion of this form of violence against women instead of seeking to end it. This shows beyond all else in this document that it is about the protection of men’s sexual rights.

Principle 18 Sexual Orientation, Gender Identity and Gender Expression

Principle 18 uses the term SOGIES, and represents all the problems for women, lesbians and gay men. Gender consists of sex stereotypes and enshrines in law precisely the harmful ideas about women and men that underpin the oppression of women. It suggests that these stereotypes have something to do with homosexuality and has had the effect of threatening the recognition of lesbians and gay men as rights bearing categories by implying that sexual attraction is based upon these oppressive notions instead of upon sex. It says:

No one may be held criminally liable for conduct or status based on their gender identity or gender expression. This includes gender identities and forms of gender expression that are perceived not to conform to societal expectations or norms relating to gender roles, the sex assigned to a person at birth or a male-female binary, among others. No one may be held criminally liable for consensual practices aiming to assist others with the exploration, free development and/or affirmation of sexual orientation or gender identity, unless there was force, coercion, fraud or medical negligence, or a lack of free and informed decision-making on the part of the person concerned.

This probably does not require much comment from me because we are all quite familiar with the problematic demands of transvestites' rights campaigners (see Jeffreys, 2014; Jeffreys, 2022). It proclaims that men with fantasy female identities may do as they wish under the phrase 'gender expression' and may mean that there should be no prohibition on these men entering women's spaces. There is no age limit mentioned here. It may mean that there should be no prohibition by governments on doctors or therapists promoting this ideology and its practices and carrying them out on persons under 18. It does not contain examples. But its support for and normalisation of this form of male sexual behaviour is against the interests of women and children.

Conclusion

The 8 March Principles, once the feminist washing is removed, can be seen to represent a men's sexual rights charter. It is about enabling men's sexual freedom and sexual access to women and children. A document about women's sexual rights, i.e. to protection, to dignity and freedom would be the very opposite of what is presented here. Women and children need freedom from, not freedom to. We need freedom from sexual violence and sexual exploitation and from the harassment of men wanting to express their sexual fantasy 'gender' in women's spaces. We need freedom from being the objects or unwilling audience of any number of men's sexual predilections. These Principles are about men's sexual freedom to use woman and children whereas women want freedom from such violence.

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