

UNIVERSIDADE LUSÓFONA
CENTRO UNIVERSITÁRIO DE LISBOA
Escola de Psicologia e Ciências da Vida
Mestrado Transdisciplinar de Sexologia

**WHAT ARE SEXUAL RIGHTS? A THEMATIC
ANALYSIS OF PORTUGUESE PEOPLE'S
DEFINITIONS**

Dissertação de Mestrado apresentada a provas públicas para obtenção do grau de mestre em Sexologia, orientada pela Professora Doutora Ana Filipa Beato e co-orientada pela Professora Doutora Patrícia M. Pascoal

FILIPA LOPES CORDEIRO

Lisboa

2024

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Versão final

Dissertação defendida em provas públicas na Universidade Lusófona, Centro Universitário de Lisboa, no dia 9 de Janeiro de 2024, perante o júri, nomeado pelo Despacho de Nomeação nº 336/2023, de 25 de Agosto de 2023, com a seguinte composição:

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Lisboa

2024

Dedication

This dissertation is dedicated to my grandfather, Reinaldo Malho, who passed away in the Spring of 2022. You showed me that the most important part of ageing is to always stay curious about everything around you, and that a person is always as young as their mind and heart. I wish you were still here to see me spread my wings and fly, but I know these good news will reach you, wherever you are. One day we'll meet again, and I'll tell you all about how far I've come.

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Resumo

Os direitos humanos são quase unânimes a nível mundial, mas os direitos sexuais continuam a ser considerados uma área cinzenta. Direitos sexuais podem ser definidos como direitos humanos aplicados à sexualidade, mas as definições variam entre organizações. O objetivo deste estudo foi explorar as definições e perceções do que são direitos sexuais por adultos Portugueses através de um questionário qualitativo online. Os 148 participantes (n=148, 19-75 anos) responderam à questão “Na sua opinião, o que são direitos sexuais?”. Os dados foram analisados através de análise temática reflexiva, e foram conceptualizados três temas: “Governo e Sociedade”, “Experiência da própria pessoa” e “Território Desconhecido”. Estes temas referem-se a fatores externos e sociais (e.g., a implementação de direitos humanos, ou o contexto social que rodeia o indivíduo); fatores internos (e.g. identidade e limites da própria pessoa), e outros fatores que podem colocar em perigo os direitos sexuais (e.g. violência e o conservadorismo) ou tornar a sua definição e implementação mais difícil pela falta de consenso sobre o que constitui esses direitos. Os participantes deram maior ênfase aos cuidados de saúde, educação, proteção legal, liberdade, autonomia, identidade e consentimento, o que corresponde na generalidade às diferentes declarações de direitos sexuais encontradas na literatura.

Palavras chave: direitos sexuais, direitos humanos, saúde sexual, análise temática

Abstract

While human rights are agreed upon almost unanimously worldwide, sexual rights remain a grey area. Sexual rights can be defined as human rights applied or related to sexuality, but the intricacies of that definition vary from one organization to the other. With our study, we intended to explore the definitions and perceptions regarding sexual rights in Portuguese adults through an online qualitative study. Participants (n=148, aged 19-75 years) were asked the open-ended question “In your opinion, what are sexual rights?”. Data was analyzed through reflexive thematic analysis, resulting in conceptualizing three themes: “Government and Society”, “Experience of Self” and “Uncharted Territory”. These themes refer to external and societal factors such as implementing human rights, as well as the social context surrounding the individual; internal factors such as identity and the boundaries of the self; and a series of other factors that may outright endanger sexual rights (such as violence and conservatism) or make their definition and implementation more difficult through a lack of consensus on what constitutes those rights. In their replies, participants gave large emphasis to healthcare, education, legal protection, freedom, autonomy, identity and consent, which largely fall under the different declarations of sexual rights found in existing literature.

Key words: sexual rights, human rights, sexual health, thematic analysis

List of abbreviations

CEDIC: Comissão de Ética e Deontologia para a Investigação Científica (Ethics and Deontology Committee for Scientific Investigation)

ILGA: International Lesbian, Gay, Bisexual, Trans and Intersex Association

IPPF: International Planned Parenthood Federation

LGBTQIA+: Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual and other identities

SPSS: Statistical Package for Social Sciences

WAS: World Association for Sexual Health

WHO: World Health Organization

UN: United Nations

Table of contents

INTRODUCTION.....	10
1.1 THE DAWN OF SEXUAL RIGHTS	10
1.2 NAVIGATING THE VARIOUS DEFINITIONS	11
1.3 THE EVER-CHANGING LANDSCAPE OF SEXUAL RIGHTS’ IMPLEMENTATION	12
1.4 SEXUAL RIGHTS AND SEXUAL CITIZENSHIP	13
1.5 THE PORTUGUESE REALITY, AND THE IMPLICATIONS OF SEXUAL RIGHTS IN CLINICAL PRACTICE AND SEXUAL EDUCATION	14
METHOD.....	17
2.1 PARTICIPANTS	17
2.2 PROCEDURES	18
2.3 DATA ANALYSIS PROCEDURES	19
RESULTS.....	22
3.1 SEXUAL RIGHTS AS GOVERNMENT AND SOCIETY	23
3.1.1 Sub-theme: implementing human rights.....	23
3.1.2 Sub-theme: social settings and citizenship.....	25
3.2 SEXUAL RIGHTS AS EXPERIENCE OF SELF	26
3.2.1 Sub-theme: autonomy.....	26
3.2.2 Sub-theme: identity.....	27
3.2.3 Sub-theme: sexuality	27
3.2.4 Sub-theme: consent	28
3.3 SEXUAL RIGHTS AS UNCHARTED TERRITORY	28
3.3.1 Sub-theme: violence	29
3.3.2 Sub-theme: conservatism.....	29
3.3.3 Sub-theme: lack of consensus.....	30
3.4 INTEGRATION OF DIFFERENT THEMES	30
DISCUSSION	32
4.1 SEXUAL RIGHTS ARE HUMAN RIGHTS	32
4.2 AUTONOMY, IDENTITY, SEXUALITY, AND THE RIGHT TO HAVE MY BOUNDARIES RESPECTED .	33
4.3 VIOLENCE IS A CRIME, NOT A RIGHT.....	34
4.4 CONSERVATISM AS A THREAT TO SEXUAL RIGHTS.....	34
4.5 ON THE WORD “RIGHTS”, OR HOW SEMANTICS AND COLLOQUIALISM MAY PLAY A ROLE IN THE PERCEPTION OF SEXUAL RIGHTS.....	35

4.6 LIMITATIONS OF THE STUDY	36
4.7 CONTRIBUTIONS AND IMPLICATIONS	37
REFERENCES.....	39

Introduction

1.1 The dawn of sexual rights

To speak of sexual rights is to speak of human rights. Throughout the years, nation states have participated in the elaboration of rights via international law, ratifying international treaties, either globally or regionally (e.g., The African Charter of Human and People's Rights, or the European Convention of Human Rights). However, it is important to notice that while international law is ever-evolving, it does not always represent the best practices happening in each country (e.g., the clear violations of sexual rights in countries that do not allow for, or criminalize, same sex marriage) (Miller, Kismödi, Cottingham, Gruskin, 2015).

Since many decades ago, different organizations have focused on different aspects of sexual rights. While sexual, reproductive and gender issues are included in human rights in 1968, *sexual health* is only introduced as concept in 1975 (WHO, 1975). Even documents such as the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which famously endorsed women's rights to manage their own fertility, sexual equality, and a life free of violence or coercion, failed to mention the right to sex education, sexual health services, or even sexual freedom (Tiefer, 2002).

The 1994 International Conference on Population and Development in Cairo was groundbreaking in explicitly including the term "sexual health" as part of reproductive health, but it did so from a reproductive and heteronormative point of view (Tiefer, 2002). In 1996, The International Planned Parenthood Federation created a "Charter on Sexual and Reproductive Rights", explaining how twelve human rights could include themes related to reproduction and sexuality (Tiefer, 2002), targeting the different aspects of health and rights as related to sexual rights. Thus, human rights are only included in the realm of reproductive and sexual health in 1996 (Giami, 2015). By contrast, the World Association for Sexual Health focused more on sexual freedom and the non-reproductive aspects of sexuality (Giami 2015) when releasing their Declaration of Sexual Rights in 1997 (Kismödi, Corona, Matlicka-Tyndale, Rubio-Aurioles & Coleman, 2017).

When it comes to legislation, international human rights treaties or conventions (such as the Convention on the Elimination of All Forms of Discrimination Against women – CEDAW, of 1979) are legally binding, should a country sign them, but the reports originating from conferences are not (Tiefer, 2002). However, that does not make them any less important,

as even those non legally binding documents have the potential to provide recognized norms (Lottes, 2013).

While talk of sexual health has long since become mainstream, the same cannot be said for sexual pleasure, even though the link between sexual health and pleasure is well understood (Gruskin and Kismödi, 2020). Until the early 2000s, the human rights discourse focused mainly on civil and political issues (Tiefer, 2002), and gender identity issues and the ongoing battle against discrimination only appear in 2007 (Giami, 2015).

1.2 Navigating the various definitions

Sexual rights can be defined as human rights applied to or related to sexuality (IPPF, 2008; Kismödi et al, 2017), but the intricacies of that same definition vary from one organization to the other. At a first glance, it may seem surprising that there are so many different definitions for sexual rights, but it becomes less so when we consider how vocally many countries have been opposed to certain rights, based on cultural or religious beliefs (Tiefer, 2002). As an example, the World Health Organization provides a working definition for sexual rights on their website, however, they are quick to note that this definition does not represent an official WHO position, and that it should not be quoted as such; instead, it should be considered as a contribution to the ever-growing discussion about sexual health (WHO, 2022). Additionally, sexual rights can be conceptualized differently: Richardson (2000) suggests three main branches of discourse, based on the aspects related to conduct, identity, or relationships.

For the purpose of this investigation, we will focus on the definitions brought by WAS and IPPF, which offer a complete and in-depth consideration of all aspects of sexual rights, albeit from different perspectives. While both organizations define sexual rights as human rights related to sexuality, they develop the concept differently, highlighting different aspects and expanding each right through a different lens (IPPF, 2008; Kismödi et al, 2017).

IPPF lists ten rights, developing each right in their corresponding description (IPPF, 2008). Likewise, WAS lists sixteen rights, further developing and expanding each key area of sexual rights (Kismödi et al, 2017). While both organizations share the same core beliefs, there are a few differences between their definitions. The most obvious difference is the mention, or lack thereof, of sexual pleasure and sexual satisfaction in the sexual rights listed by the IPPF. However, sexual pleasure is present in the seven guiding principles behind their declaration of sexual rights, while sexual satisfaction, by those words, is not (IPPF, 2008). This begs the

question: why were sexual pleasure and sexual satisfaction pushed to the background instead of being included in the IPPF declaration of sexual rights? We can only wonder, but perhaps it may be related to how sexual pleasure is still a difficult topic for many, including the public health community (Gruskin, Yadav, Castellanos-Usigli, Khizanishvili & Kismödi, 2019; Gruskin and Kismödi, 2020).

Continuing with the topic presented above, another interesting difference between the IPPF and WAS declarations of sexual rights is how the WAS expands upon certain topics in the main body of each article, rather than pushing certain keywords to the article's explanation. For example, while IPPF's seventh article refers only to health and the benefits of scientific progress, WAS expands those key concepts into two different articles, seven and eight, further developing health as including sexual health, with an explicit reference to sexual pleasure and sexual satisfaction (IPPF, 2008; Kismödi et al, 2017).

As a final example, IPPF focuses their article nine on marriage and planned parenthood, whereas WAS goes on to develop two different articles: article eleven mentions not only marriage but similar types of relationships as well, with a heavy focus on equality and consent, while article twelve mentions not only planned parenthood but also the information and means behind it (IPPF, 2008; Kismödi et al, 2017).

When defining sexual rights, semantics do matter: it is important to distinguish between “freedom from” and “freedom to” (Tiefer, 2002). “Freedom from” refers to “protectionist” sexual rights, such as the right to be free from violence and coercion, whereas “freedom to” refers to “affirmative” sexual rights, such as the right to freedom of association and peaceful assembly (Tiefer, 2002; Kismödi et al, 2017).

1.3 The ever-changing landscape of sexual rights' implementation

Regardless of different definitions, the application and enforcement of sexual rights varies significantly from one country to another. Many countries criminalize same-sex acts through bodily punishment, imprisonment or even execution (Altman and Beyrer, 2014). In their updated global legislation report of December 2020, ILGA concluded that sixty-nine UN member states criminalize consensual same-sex acts, with eleven of those countries including the death penalty within their legal framework. In addition, there were at least forty-two UN member states that did not allow for freedom of expression on matters related to gender diversity and sexuality (ILGA World, 2020).

Not even having achieved sexual rights is a guarantee they will be set in stone, however. In Brazil, where conservatism has risen in part by the role of significant Christian parliamentary representation and culminated in the election of Evangelical conservative president Jair Bolsonaro in 2018, several rights have been under attack, namely women's reproductive rights, LGBTQI+ rights and the right to sexuality and gender education (Brandão and Cabral, 2019). Christian and political conservatism have also opposed sexual and gender minority rights in the USA (Todd et al, 2020), while the rise of authoritarian neoliberalism and radical conservatism has wreaked havoc regarding reproductive rights and LGBTQIA+ rights in Poland and Hungary (Stubbs and Lendvai-Bainton, 2020). Despite the many differences between the aforementioned countries, their attack on sexual rights has a common enemy: the so-called “gender ideology” (Brandão and Cabral, 2019; Stubbs and Lendvai-Bainton, 2020; Todd et al, 2020), a term used by conservative movements worldwide in the past decade. In their opposition to “gender ideology” (a misleading title, given how it does not focus solely on gender), conservative forces target mainly LGBTQIA+ rights, reproductive rights, and sex and gender education in schools (Antić and Radačić, 2020). Sexuality is becoming increasingly polarized, not only internationally (Altman and Beyrer, 2014), but also domestically (Brandão and Cabral, 2019; Stubbs and Lendvai-Bainton, 2020; Todd et al, 2020). It is urgent to reflect how we can promote a worldwide acceptance of sexual rights, given how often sexuality itself has become a barometer of discrimination and hatred (Altman and Beyrer, 2014).

It doesn't take a social or political upheaval for sexual rights to be on the line, however. The COVID-19 pandemic affected human and sexual rights globally, with increased demand from staff and facilities limiting the allocation of routine reproductive and sexual health services (Hussein, 2020). Evidence clearly states that disease outbreaks affect minorities and marginalized groups differently, worsening already existing inequalities, while putting women and girls at a greater risk of gender-based violence (United Nations Population Fund, 2020). A lack of resources isn't the only way the COVID-19 pandemic affected sexual rights globally: the lockdowns set in place also led to a complete shutdown of schools and education in many developing countries, which in turn increased the sexual vulnerabilities in teenaged girls (Okeke, Idriss-Wheeler & Yaya, 2022).

1.4 Sexual rights and sexual citizenship

As we travel further along the definitions and implementations of sexual rights worldwide, there is a concept we must also address when referring to sexual rights: sexual

citizenship, which, in turn, points us in the direction of the concept of citizenship. Citizenship implies existing within a specific frame, belonging to or participating in a group or community, with all the rights and duties it entails; however, it may also be used as a way to exclude other groups of people, because the existence of an “us” implies the existence of a “them”, or the “other” (Plummer, 2011).

According to Weeks (1998), the idea of a sexual citizen is almost contradictory: given the Western culture's delegation of sexuality to the private sphere while citizenship, by definition, occupies the public sphere, the sexual citizen exists in both spaces at once. Thus, the emergence of sexual citizenship by itself was an example of the social change happening at the time, although it still has many things in common with citizenship in general, such as the claims to inclusion, equity, and justice.

Much like sexual rights, sexual citizenship remains a grey area in terms of definition and implementation. In her work “Constructing sexual citizenship: theorizing sexual rights”, Richardson (2000) suggests the understanding of sexual citizenship as a rights-based system (further defining sexual rights as was explained beforehand in the subsection “Navigating the various definitions” of this study).

Adding to the discussion of sexual citizenship, Plummer (2011) speaks of intimate citizenship, and how it challenges the views of what should remain in public and in private, reminding us that the public and the private spheres are no longer separate, and challenging the notion that they were ever separate to begin with.

1.5 The Portuguese reality, and the implications of sexual rights in clinical practice and sexual education

Between 1926 and 1974, the dictatorship under Prime Minister Salazar's rule was responsible for a major setback in human rights and sexual rights in Portugal, rejecting progress or social change (Pimentel, 2001, as cited in Santos, 2012). Under the dictatorship's censorship regime, words such as “divorce”, “menopause” or “homosexuality” were forbidden from being spoken in the media (Pimentel, 2007, and Príncipe, 1979, as cited in Santos, 2012). Lesbians and gay men were often brutalized and tortured by police forces (Santos, 2012). In 1982, the revisions to the Portuguese Penal Code led to a shift from controlling sexual morality to asserting freedom and self-determination, decriminalizing sexual acts done by consenting adults such as adultery and homosexuality (Santos, 2012). As the years passed, activist groups began to form and gain strength, like the first LGBT organizations in the 1990s (Santos, 2012).

Portugal is one of the 27 countries that refer to sexual and reproductive rights within its constitution (Pizzarossa and Perehudoff, 2017). In its 13th article, second paragraph, the Portuguese constitution safeguards freedom from discrimination regardless of any individual characteristic including sex and sexual orientation, while in its 67th article, second paragraph, it refers to the right to family planning, through the promotion of information and access to the necessary resources, as well as several measures to ensure proper healthcare, and legal and social support throughout pregnancy and parenthood (Constitution of the Portuguese Republic [CPR], 2022).

Although Portugal has taken several steps forward in legislating equality, discrimination against the LGBTQIA+ community persists. In a report published online in 2015 regarding discrimination faced by the LGBT community in a healthcare setting, 33% of participants are hesitant to seek out health services for fear of discrimination, while 66% state that their anticipation of discrimination actively interferes in their willingness to disclose their sexual orientation or sexual behaviors in a clinical setting. When it comes to health professionals, only 17% of health professionals formulate questions related to sexuality and partnerships in a gender inclusive manner, and 70% assume that the patient in front of them is heterosexual or engages in sexual activity exclusively with people of the opposite sex (ILGA Portugal, 2015).

Physical health isn't the only one at risk, however: in the aforementioned survey, it was also found that in 11% of mental health appointments, the mental health professional suggested to the LGBT patient that they could be "cured" (ILGA Portugal, 2015). When it comes to mental health, sexual rights may provide a framework that allows for better teaching of therapists, when compared to multicultural and social justice perspectives (Dermer, Dunham & Mercer, 2021). Thus, it becomes obvious that sexual rights are essential if we are to reach the best sexual health standard of care (Kismödi et al, 2017). Being an essential part of human rights, sexual rights have a direct influence over every step of the healthcare process, from the initial admission and assessment to discharge and follow-up (Lew-Starowicz, Giraldi & Krüger, 2021).

Take gender identity and transgender health, for example. If a health service or provider does not address the transgender person by their chosen name, or allocates them in wards contrary to their gender identity, this constitutes an active violation of the person's human and sexual rights, namely the right to privacy and secrecy, thus contributing to further

discrimination (Gomes, Murta, Facchini, & Meneghel, 2018). Educating the staff should be the first step to address such matters and improve quality of care (Lew-Starowicz et al, 2021).

Given the examples previously stated, it is obvious that health professionals, as well as professionals from different areas, should have some form of sexual rights education as to avoid disrespecting the rights of those they care for. Additionally, when it comes to sexual education within a school setting, a rights-based approach to comprehensive sexual education, performed by peers, helps young people make their own choices by developing the necessary knowledge, skillset, and attitudes (IPPF, 2016).

Despite the importance of sexual rights, as has been referred to multiple times throughout the theoretical framework so far, it isn't common to study laypeople's perceptions and definitions of sexual rights. To our knowledge, no such study has ever been performed in the general Portuguese population, which created the necessity to further understand people's understanding of those rights. As such, this study's objective was to explore the definitions and perceptions regarding sexual rights in Portuguese adults through an online qualitative study.

Method

2.1 Participants

The participants were part of a broader quantitative online study concerning sexual health and digital media. This questionnaire was written in Portuguese, and the criteria of inclusion were as follows:

- 1) to be 18 years old or older, the age of majority in Portugal
- 2) to speak Portuguese fluently.

Participants’ age ranged from 19 to 75 years ($M = 41.16$, $SD = 14.857$), with most participants being female ($n=78$), heterosexual ($n=116$), having a university degree ($n=60$), employed ($n=78$), and living within an urban area ($n=71$). The remaining sociodemographic characteristics can be found in detail in Table 1 below.

Table 1: Sociodemographic Characteristics

	<i>n</i>
Gender	
Male	62
Female	78
I don’t know	1
Nonbinary (e.g. genderqueer, genderfluid)	3
No gender	1
Other. Please specify	3
Sexual orientation	
Bisexual	15
Gay	4
Heterosexual	116
Undefined	2
Lesbian	3
Queer	2
Other. Please specify	6
Highest degree of education completed	
9 th grade or equivalent	4
12 th grade or equivalent	37
Degree	60
Master’s Degree	33
Doctorate Degree	6
Other. Please specify	8
Employment status	
Unemployed	18
Employed	78
University Student	19
Worker-Student	7

	Other. Please specify	24
	Blank / did not disclose information	2
Area of residence		
	Urban area	71
	Urban area within a rural zone	7
	Periphery of an urban area	41
	Rural area with high population density	1
	Rural area with low population density	9
	Rural area close to an urban center	18
	Blank / did not disclose information	1
Nationality		
	Portuguese	143
	Other. Please specify	3
	Blank / did not disclose information	2
Residency		
	Portugal	145
	No. In what country do you reside in?	1
	Blank / did not disclose information	2
What is your relationship status?		
	I am in a monogamous relationship	73
	Marriage	30
	Civil union	19
	Dating	27
	I am in a non-monogamous relationship	6
	Occasional intimate relationships	33
	I don’t have an intimate relationship	36

2.2 Procedures

The present study is a collaboration between Sociedade Portuguesa de Sexologia Clínica (SPSC, or in English, the Portuguese Society for Clinical Sexology) and Escola de Psicologia e Ciências da Vida da Universidade Lusófona (EPCV, or in English, School of Psychology and Life Sciences at Lusófona University), and it was approved by the EPCV ethics and deontology committee (CEDIC). The original questionnaire from which this study sampled and analyzed its data was launched in commemoration of the National Sexual Health Day, and included a broader scope of questions regarding sexual health and digital media. The present study analyzed only the data related to the open-ended question “In your opinion, what are sexual rights?” (in Portuguese, “Na sua opinião, o que são direitos sexuais?”) and its respective sociodemographic data.

Data was obtained through an online questionnaire using the online platform Qualtrics, between the 19th of August and the 29th of September of 2021. This questionnaire was accessed through a specific link and shared throughout social media (snowball sampling), and the data

was collected anonymously and without recording any personal information that could be linked back to or identify each participant. After reading the informed consent form, and then consenting to the study, participants were asked to fill a sociodemographic questionnaire, which included the following information: gender identity, sexual orientation, age, highest degree of education, job title, employment status, area of residence (urban or rural), nationality, country of residency, municipality of residence, relational status, and, for those in a monogamous relationship, the type of relationship. Participants could opt out of replying to any of these questions. The sociodemographic questionnaire was then followed by several questions regarding sexual health and digital media. The open-ended question “In your opinion, what are sexual rights?” (“Na sua opinião, o que são direitos sexuais?” in Portuguese) will be the focus of this study.

Out of a total of $n=503$ participants on the main questionnaire, only $n=157$ replied to the open question being analyzed by this study. After carefully reviewing all the participants' answers to filter which were interpretable and which weren't, only $n=154$ answers were accepted ($n=2$ consisted of intelligible characters, and $n=1$ of a derogatory commentary to the questionnaire itself). From the remaining participants, those with answers that could not be analyzed (either by being answers unrelated to the question, or because they consisted only of one or two words that made little sense within context, or could not be extrapolated from (e.g., a participant's reply consisting solely of “Court”, or “Tribunal”, in Portuguese) were excluded. In the end, only $n=148$ participants' replies were valid for analysis.

2.3 Data analysis procedures

In order to characterize our sample's sociodemographic data, we used the software SPSS for statistical analysis, as can be seen in the *Participants* section above.

Following the data analysis of the sociodemographic questionnaire, we used the method of thematic analysis according to Braun and Clarke (2021). As such, we followed the following steps in our data analysis:

Phase 1: data familiarization

After trimming the data by excluding the answers that weren't valid for interpretation, the entire data set was read and re-read several times to ensure adequate familiarity with the data and to facilitate the identification of potential codes.

Phase 2: coding

During the second phase of our thematic analysis, each participants' answer was highlighted with its respective codes, which were then gathered in a different document to figure out a pattern, in order to draft out potential themes. For instance, *“To me, sexual rights is saying no if I don't feel like it”* and *“The right for anyone to have whatever sexual practices they want, as long as they are legal and consensual”* would both be coded as “consent”.

Phase 3: generating initial themes

After pouring over the previously generated codes, it soon became clear that they started to fall under their respective umbrella terms, which would then become our theme prototypes: “extrinsic factors and political responsibilities” (encompassing areas such as implementing human rights, access to healthcare, and legal protection), “personal experience” (encompassing areas such as autonomy, identity, freedom and sexuality), and lastly, “threats to human rights” (encompassing areas such as violence or lack of consensus on what defines sexual rights).

Phase 4: developing and reviewing themes

As the analysis continued, it became clear that certain aspects pertaining to different themes needed to be rearranged. As such, the coding was once again reviewed, to allow for a more cohesive understanding of each theme, in a back-and-forth game of clarification.

Phase 5: refining, defining and naming themes

In continuing the thematic analysis, the preliminary themes were refined, shifting certain areas from one theme to another in order to form a more robust set of themes and sub-themes. For example, the “well-being” subtheme that was initially part of the “personal experience” theme was assimilated by the subtheme “sexual and reproductive healthcare” (under the “extrinsic factors and political responsibility” theme). Likewise, the subtheme “liberty” also underwent a similar change: seeing as freedom can only be found when human rights are implemented, which in turn requires an adequate legal and social framework, the “freedom” subtheme shifted onto the “extrinsic factors and political responsibility” theme, seeing as it related to three of its subthemes (as opposed to “personal experience”, the theme it initially fell under). Then, as the analysis continued further, it became clear that the subthemes “sexual and reproductive healthcare”, “legal protection” and “access to information and sexual education” should be assimilated by the “implementing human rights” sub-theme, seeing as human rights are mandatory for adequate healthcare, legal protection, and sexual education.

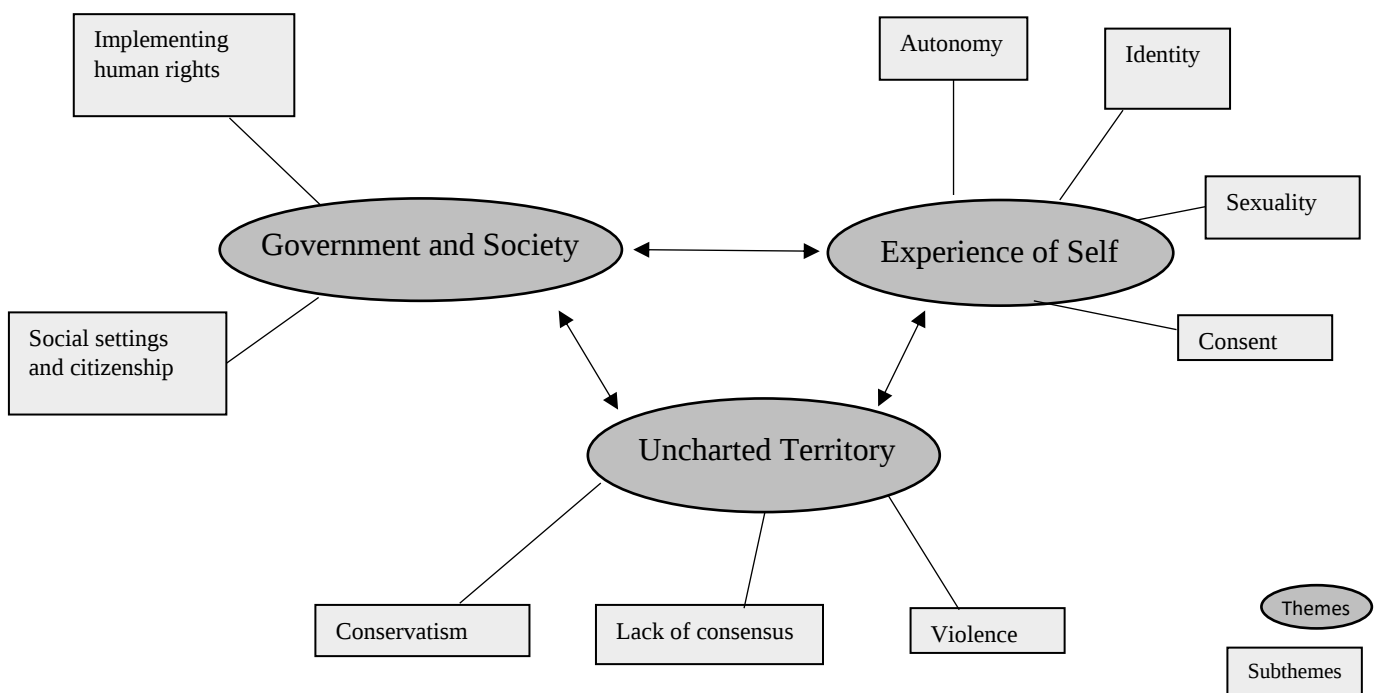
Finally, the themes were renamed, from “extrinsic factors and political responsibilities”, “personal experience” and “threats to human rights” into “Government and Society”, “Experience of Self” and “Uncharted Territory”, respectively.

Lastly, it is important to note that, during the whole process of thematic analysis, the data was reviewed autonomously by the investigator, and then validated continuously throughout every step with two senior investigators. This validation allowed us to reach a consensus, as to ensure results with greater quality, although Braun & Clarke have previously stated that reaching a consensus may be at odds with reflexive thematic analysis, as the goal of reflexive thematic analysis is to build insight and understanding, rather than reaching an absolute consensus (Braun & Clarke, 2023).

Results

Most of the answers were long and complex, containing several codes within them. While the majority of the long answers contained concepts and terminology more commonly found within academic and activist circles, the remaining answers that were also longer in size used terminology that would be found in a more colloquial speech. Lastly, very few answers were short (e.g. only a sentence long).

As was previously stated, the participants’ answers allowed us to reach three themes: “Government and Society”, “Experience of Self”, and “Uncharted Territory”, each with their respective subthemes. It is important to note that, although each theme has been clearly defined, the richness of the majority of the answers ensured that many fell under more than one theme (some even falling under all three), further reinforcing the connections between the three themes. The aforementioned themes and subthemes are depicted in Figure 1, with the analysis of the results initiating immediately after. The quoted participants are referred to according to their gender identity and age, although some chose not to disclose their gender, age, or both.



[FIGURE 1: Thematic Analysis Map]

3.1 Sexual rights as Government and Society

This theme encompasses the participants' definitions related to factors that are more *external*, from institutions (governmental, healthcare, education, etc) to society and the social context itself.

3.1.1 Sub-theme: implementing human rights

In this subtheme, participants referred to various areas that are key elements to human rights: health services, access to information and sexual education, freedom, as well as legal protection and legislation, and the protection of children. Some participants referred specifically to human rights by name, either as a way to describe their point of view, or to outright say that sexual rights are human rights.

When it comes to health services, the participants' answers were varied, with some focusing more on sexual health and caring for STIs, while others mentioned reproductive freedom and family planning, touching on the subject of contraception and abortion. Some participants also mentioned the need for menstrual dignity measures (e.g., providing menstrual products such as pads):

"The right to have access to essential health products, contraceptives, personal hygiene (like pads, tampons...) and to specialized doctors that follow us in those areas." (Female, 26)

Access to sexual education in schools, as well as receiving reliable information on sexual practices and sexual health from health professionals, were also talked about by the participants, sometimes even in the same answer as access to healthcare.

"Sexual rights are having access to healthcare when there's an STI; to have access to reliable information from health professionals regarding sexual practices and well-being; to have access to sexual education in the public school system; to have access to psychological and medical support when sexual mental health treatments are needed." (Male, 20)

Upon mentioning reliable information, one participant mentioned that it is important to avoid "distorted information" such as pornography; this intersection of rights and morality will be discussed further ahead.

"The right to reliable information (it is very important to approach the matter of consent) and not distorted information about sex (pornography)." (Did not disclose gender, did not disclose age)

Freedom was also a crucial aspect of the participants' answers, in its various forms, such as freedom itself (as in, the ability for one to act freely, or to express themselves freely),

but also being free to choose. As freedom can only exist when human rights are implemented, those answers also fell under this subtheme.

“The right to freely express my sexuality, without being judged or punished, without calling into question another person's sexuality.” (Female, 38)

Both in the answer cited above and in the answer cited below, the social aspect of freedom is an important component:

“Sexual rights are being able to be and live in your sexual freedom without having fingers pointed at you for your preferences or for anything that is satisfying to you.” (Nonbinary, 60)

It is impossible to speak of human rights without considering the legal aspects of their implementation, and our participants' answers reflected exactly that, focusing on different areas that can be found within a legal framework. One of those areas was the legality of the sexual practice itself, as in, people have the right to perform their sexuality as long as the acts are legal:

“The right for anyone to have the sexual practices they want, as long as they are legal and consensual.” (Female, 50)

Participants also mentioned the importance of legislating human rights, to create a safer social environment and also to ensure the betterment of the quality of life for all people.

“The consecration in law and practice of the possibility of sexual fulfillment for all citizens.” (Male, 54)

The legal implementation of sexual rights was also deemed as important to avoid censorship:

“The right to practice your preferences without censorship.” (Male, 37)

The subject of law was also brought up in the specific context of legal protection, to help protect others from violence.

“To be protected under the law so my body isn't abused and violated.” (Female, 31)

And, just as importantly as the aspect mentioned above, law is also crucial to implement justice, whenever rights are violated.

“To be able to report the violation of rights. Without justice there are no rights.” (Female, 49)

It is impossible to discuss human rights without mentioning children's rights. In this regard, participants also mentioned the importance of protecting children.

“It has to do with diversity and respect for the choices and options of every human being. And it obviously also includes the protection of children.” (Female, 41)

One participant even went as far as mentioning children's autonomy and self-determination, with the specific mention of intimacy:

"Sexual rights are fundamental. Until the age where we still don't know what they are, parents have the duty to respect the intimacy of the child/young person. Upon age of majority, the right to their body is reserved to themselves, and can never be disrespected." (Male, did not disclose age)

Lastly, within the human rights subtheme, some participants also mentioned human rights outright, drawing a direct link between human rights and sexual rights, rather than considering them a separate entity.

"Sexual rights are part of global human rights, which represent the ideals of freedom, equality, privacy, autonomy, dignity and integrity. Every human being should be free to live their sexuality in a way that is authentic, sincere, pleasurable, and away from prejudice." (Female, 28)

3.1.2 Sub-theme: social settings and citizenship

Under this subtheme, participants referred to the importance of the social setting (and sometimes, the social constraints such as societal discrimination) for the wellbeing of the person and their integration in society.

"They are the rights to identity, integrity and physical and psychological security referring to different sexual practices against a possible social repression originating from prejudice and ethical codes that are incompatible with the sexual freedom of the most vulnerable." (Effeminate (gender as written by the participant, in the male form of the adjective), 48)

The social aspect of sexual rights was also described as something that could empower others:

"They are the social rights of sexuality: information, the opportunity to develop skills, having access to services and resources." (Female, 41)

Inevitably, the matter of social norms (and how they may restrain others) arose within the participants' answers, with an interesting duality: some considered it a negative thing, as it conditions the freedom of the individual.

"Sexual rights, in my opinion, are the respect for sexual diversity and for the fact that each person can feel and experience their sexual identity, regardless of social and cultural norms, as long as it causes no harm or loss to others or oneself." (Male, 21)

On the other hand, others considered it a positive thing, as related to what is morally considered right or wrong:

"They are the rights that contemplate freedoms of choice according to the individual's tendencies, within the limits of socially acceptable patterns regarding

degrees of kinship between partners, and their respective majority.” (Male, did not disclose age)

This sub-theme had some connections to the *implementing human rights* sub-theme, namely in the necessity for legal protection in order for social changes to occur, or for prejudice to be avoided.

“Sexual rights, to me, are only necessary to be brought up due to the lack of respect for other people, the lack of civility, from populations in general. But given the way society is, it's fundamental for there to exist statutes for sexual rights.” (Male, 47)

Finally, this subtheme also included the relationship between sexual rights and citizenship, referring to citizenship not only as the state of one being a citizen, but also as an adjective.

“The rights, obligations (freedom and limitations) for the citizen practice of one's sexuality.” (Male, 35)

It was also mentioned that sexual rights should encompass all citizens of the world, looking at those rights through a broader lens:

“Sexual rights are the rights that any citizen in any part of the world should have, in regards to how they use their body, their partner choices, etc, without any kind of recrimination.” (Female, 40)

3.2 Sexual rights as Experience of Self

Contrary to the previous theme, this theme aggregates the participants' definitions related to factors that are more *internal*, as related to one's personal experiences, identity, and autonomy. This theme also includes the notion of consent, as it relates to personal boundaries.

3.2.1 Sub-theme: autonomy

Within this sub-theme, participants referred to autonomy and self-determination in its various forms.

“They are rights of freedom and self-determination.” (Male, 44)

While some participants mentioned autonomy or self-determination outright, others utilized more complex descriptions:

“They are fundamental rights, that promote an enlightened and free bodily autonomy and positive sexuality.” (Female, 35)

Although autonomy and self-determination were often mentioned in a broader sense of the word, some participants referred to bodily autonomy, specifically, including reproductive autonomy and sexual autonomy.

“By sexual rights what pops into my head is sexual self-determination, which is to say, for one to be free to practice sexual acts, or not, with whomever they desire. That’s the only thing I can think of.” (Male, 30)

3.2.2 Sub-theme: identity

The sub-theme *identity* encompasses several characteristics that compose an individual's identity, as related to their sexuality, such as gender identity, gender expression, and sexual orientation.

“Sexual rights are all the rights that are related to the sexual identity of each person. They should be the same for every gender.” (Male, 28)

Not only identity, but the *respect* for one's identity was also a recurring aspect of the participants' replies:

“Respect for gender identity and sexual orientation.” (Female, 39)

Many also mentioned the importance of not being discriminated for one's identity.

“The right to have a sexual orientation and not be jeopardized or discriminated for it, the right to freely express your sexuality.” (Female, 19)

3.2.3 Sub-theme: sexuality

The word sexuality was, perhaps, one of the most repeated throughout all the answers, within varying degrees of complexity in their descriptions, with the vast majority relating to the sexuality of the *self*, even when referring to the connection with *others*.

“Sexual rights are the rights related to the sexuality of every human being.” (Female, 51)

The participants mentioned sexuality not just as something abstract, but also as a part of one's life that can and should be positive and respectful, not only for oneself but for others.

“To be able to enjoy one's sexuality, as long as it doesn't harm oneself or another person mentally or physically.” (Male, 70)

It was also mentioned that sexuality should be happy and safe for everyone, something to be enjoyed, but also a biological act.

“The right that everyone should have to live their sexual and emotional life in the safest, most consensual and happiest way possible.” (Nonbinary, 27)

The experience of sexuality was also included in this subtheme. Participants elaborated on the importance of fantasies, intimacy, satisfaction, expression and realization, as well as pleasure in its many forms.

"Rights that grant for any and every person to have a sexual life with pleasure, liberty, responsibility and dignity." (Female, 71)

Just like pleasure, eroticism was also mentioned as an aspect of sexuality.

"Self-determination and the absolute right to my erotic self." (Male, 50)

3.2.4 Sub-theme: consent

The subject of consent was, perhaps, one of the most mentioned throughout the data set, through several variations of "no means no" or outright mentioning the word and its variations.

"To me sexual rights is saying no if I don't feel like it." (Female, 51)

Some participants also mentioned informed consent, specifically, while others mentioned the right to change one's mind at any moment.

"Respect for the consent and limits of every person, and the right to change your mind about them at any moment." (Male, 30)

Participants also often mentioned the importance of respecting other people and their boundaries, which falls under the umbrella term of consent: after all, if one breaches another person's boundaries without their permission, they aren't respecting their consent.

"I think I'm going to mix rights with sexuality, but to me they are indissociable. When we say no it means No, sexual freedom, accepting the other person's sexuality and sexual orientation, not overstepping our own boundaries or the other person's." (Female, 51) (emphasis and capitalization as they were in the original response)

3.3 Sexual rights as Uncharted Territory

While the previous two themes focused more on the existence of institutional and societal influences, as well as the perception of the self and how it relates to sexuality, the last theme is quite different, encompassing different aspects that are either grey areas (such as the lack of consensus on what sexual rights are) or outright threats to the existence of sexual rights, such as conservatism and violence.

3.3.1 Sub-theme: violence

The various answers to our question portrayed different kinds of violence, from the institutional and societal (e.g., having sexual rights denied, sexism) to outright physical violence.

“Sexual rights mean not being able to rape anyone, both people should allow it.”
(Male, did not disclose age)

Many people also referred to sexual violence because of not having their boundaries or consent respected, and not as a criminal act, specifically, although others referred to sexual violence specifically through a lens of criminal activity.

“It's the group of rights necessary to a healthy and comfortable sexual practice. It implies the prohibition of crimes such as rape or sexual coercion.” (Male, 22)

Others, when answering our question, made it clear that certain behaviors (e.g. coercion, child sexual abuse) are classified as violence, and that sexual violence of any kind should not be allowed.

“It's one thing for a homosexual to manifest their inclinations. The same liberty cannot be given to adults that are attracted to children, for example.” (Female, 24)

It is also important to note that genital mutilation and forced sterilization were mentioned by name, from one of the participants, and classified exactly as sexual violence:

“It means being free of any kind of sexual violence, namely rape, genital mutilation and forced sterilization.” (Male, 70)

3.3.2 Sub-theme: conservatism

This subtheme includes answers that were rooted in conservatism and prejudice against the LGBTQIA+ community. Conservatism was also evident in other aspects, such as commentary on the open answers to the sociodemographic questionnaire, but seeing as that data cannot be codified as it is not part of the actual answer to our question, it will be discussed further ahead.

“I don't have an opinion I'm liberal when it comes to sex and left wing when it comes to politics but I'm tired of the LGBTQ++ Lobby that represents 10 to 15% of humanity and is as annoying as if it were 90%.” (Male, 70) (emphasis and capitalization as they were in the original response)

A different participant was far less subtle in his prejudice, however, comparing the existence of transgender people to “debauchery” and resorting to an insult commonly used by the alt-right political movement:

“Modern day debauchery, in which men turn into women and women turn into men, with the applause of “Libtards”. Unnaturalness institutionalized.” (Male, 60) (emphasis and capitalization as they were in the original response)

3.3.3 Sub-theme: lack of consensus

As the name says, this subtheme contains a lack of consensus on what sexual rights stand for. While some participants questioned the existence of sexual rights in their answers, and others appear to have misinterpreted the meaning of the word “rights” given its colloquial use in Portuguese (this matter will be discussed further ahead), the most clear-cut discordances in our data set was regarding the matter of sex work.

“Surrogacy and prostitution aren’t rights, it means exploring poor women and oppressing them based on their sex – colonization and white and male supremacy. (Did not disclose gender, did not disclose age)

As opposed to the answer above, which vehemently condemned the existence of prostitution and even put it on the same category as surrogacy, a different participant brought up the need to legalize and protect sex workers.

“They are rights that should be established, like human rights. Such as the protection/decriminalization and legalization of prostitution, and like protection in case of abuse.” (Non-binary, 32)

3.4 Integration of different themes

Given the complexity of most of the answers, many of them fall under two themes, with few falling under all three themes. As such, it became necessary to finalize the results section by bringing attention to that matter, which made coding and drafting themes truly challenging. As an example, some of the answers that fall under the three themes can be found below.

“The main question regarding sexual rights refers to the consent of both parties involved!! It also refers to the Freedom of choice that should be satisfactory to each individual who should live their sexuality freely without any kind of coercion, disadvantage or discrimination. Sexual Right is to say NO!! and when you say you have to stop, it stops being consensual. Sexual rights are being able to Be in your sexual liberty without having a finger pointed for your preferences, for everything you find satisfying. I can’t help pointing out that Men have always acted like this, they have always reclaimed their sexual rights (many times in the worst way), it’s time for Women to fight for those same rights without being looked at as “whores” but as human beings with the same rights!!” (Nonbinary, 60) (emphasis and capitalization as they were in the original response)

While this answer contains language that is consistent with activism work, the lack of follow-up cannot confirm if the participant is in fact an activist or not. The same can be said for the following answer, given their choice of wording.

“Right to abortion; Right to contraception in the same way I referred previously, as well as feminine hygiene products; Saying “no” without being afraid; The right to reliable information (it is very important to approach the matter of consent) and not distorted information about sex (pornography); No discrimination regarding homosexuality; no pressure for people to get married or have children; Pregnancy surrogacy and prostitution aren't rights, it means exploring poor women and oppress them based on their own sex – colonization and white and masculine supremacy. If a woman has a price, they all do.” (Did not disclose gender, did not disclose age) (emphasis and capitalization as they were in the original response)

Discussion

This study's objective was to explore the definitions and perceptions regarding sexual rights in Portuguese adults through an online qualitative study. Overall, the answers to "In your opinion, what are sexual rights?" were conceptualized into Government and Society, Experience of Self, and Uncharted Territory.

When even international institutions with decades of work on human and sexual rights appear to struggle to find a common ground in their definition (or, at the very least, in their conceptualization of the rights that fall under the label of *sexual rights*), it is only to be expected that the general population would struggle with that definition as well, regardless of academic level. In what can only be described as a pleasant surprise, many participants answered in a way that referred to several human rights and sexual rights, either using words that are explicitly stated in the sexual rights declarations of IPPF (2008) and WAS (Kismödi et al, 2017) (such as *privacy, integrity, autonomy* or *self-determination*), or through more casual and colloquial wording, whose latent meaning was linked to human rights and sexual rights nonetheless.

Given the kind of language used, the richness of the answers, and how well they align with the usual definition of human rights and sexual rights, it is likely that many of our participants are either already part of activist groups or searched for the definitions online; this matter will be discussed in the limitations ahead.

4.1 Sexual rights are human rights

Our data shows that participants consider sexual rights to be intertwined with human rights. As diverse as the answers under the theme *Government and Society* were, one thing became clear: access to health, information (especially under the form of sexual education in schools, but also from qualified health professionals), and legal aspects (both protection from violence but also legislation to protect minorities) were the three main pillars, present in a great number of replies. Although descriptions varied from person to person, there seemed to be a consensus among the participants on what those three pillars stand for, a consensus which falls neatly into the declarations of sexual rights by both IPPF (2008) and WAS (Kismödi et al, 2017), which we have considered since early on in this dissertation. The participants' answers can also relate to the Portuguese constitution, which includes the right to family planning, through the promotion of information and access to resources, and measures to ensure proper

healthcare, as well as a legal framework and social support throughout pregnancy and parenthood (CPR, 2022).

The social setting in which an individual exists was also an important variable in this equation, with many participants referring to how one should be free to express and experience their identity and sexuality regardless of social constraints or social norms. As has been stated in the literature review, the Portuguese constitution safeguards freedom from discrimination regardless of any individual characteristic including sex and sexual orientation (CPR, 2022), but, unfortunately, it has become increasingly impossible to ignore the rise in conservatism discourse worldwide, as has been touched upon in the first chapter of this dissertation. Sadly, Portugal is no exception to that, with far-right political parties gaining traction in the past few years; this growth may increase the social constraints often mentioned by the participants. Other than protective legal measures such as the ones already discussed, sexual education in schools could also play a role in improving the social environment, leading to a more accepting society.

4.2 Autonomy, identity, sexuality, and the right to have my boundaries respected

Under the theme *Experience of self*, participants described the most *internal* aspects of sexual rights, as related to one's own autonomy, identity, sexuality, and consent. Just like what happened with the previous theme, the participants' answers were fairly consensual and linear, and also fall under the declaration of rights of both IPPF (2008) and WAS (Kismödi et al, 2017). Interestingly, some participants also mentioned pleasure and sexual satisfaction, which matches WAS' declaration of rights the most, seeing as they referenced sexual pleasure and sexual satisfaction explicitly, contrary to IPPF. (IPPF, 2008; Kismödi et al, 2017). It is important to note that all the aspects mentioned in the sub-themes above are crucial to the wellbeing of the individual, from the autonomy to make their own decisions, to the establishing of their identity, to experiencing their sexuality within their own self but also in relation to others.

The matter of consent, so frequently mentioned throughout the entire dataset, is also consistent with the declaration of rights from both IPPF and WAS, but more so with WAS' article eleven, which focuses heavily on equality and consent (IPPF, 2008, Kismödi et al, 2017). It is interesting to note that consent, whether it was explicitly referred to by that term or through the various uses of "no means no", was one of most frequent codes in the entire dataset, mostly mentioned by people who describe themselves as female. Taking into consideration the statistics of sexual violence against women and girls, and given the rise in information regarding

the importance of sexual consent, it seems only logical for consent to be one of the most talked about topics in our dataset.

4.3 Violence is a crime, not a right

The third theme, *Uncharted territory*, encompasses three sub-themes: *violence*, *conservatism*, and *lack of consensus*. The first sub-theme, *violence*, follows the same pattern as the previous two themes, with participants describing forms of violence that people should be protected from, such as coercion or rape (which, by being the direct antithesis to *consent*, provides a link to the previous theme, *Experience of self*). Protection from violence is perhaps one of the most well-known human rights established, and protection from sexual violence is quite clear in both IPPF (2008) and WAS' (Kismödi et al, 2017) declarations of sexual rights. Interestingly, participants not only mentioned that certain practices constituted sexual violence (such as rape, coercion, and even female genital mutilation), but also that those same practices counted as crimes, which in turn implies not only legal protection for the victims, but also legal prosecution for the perpetrators, further linking this theme with the first theme, *Government and Society*.

The remaining sub-themes, *conservatism* and *lack of consensus* require a different analysis of their own, which can be found below.

4.4 Conservatism as a threat to sexual rights

It seems almost inevitable for conservative views to emerge whenever one discusses the progress of sexual rights, especially when it comes to sexual minorities and the LGBTQIA+ community as a whole; a certain degree of backlash is only to be expected when minorities advocate for their rights after centuries of persecution. Our study was not an exception to that, with one participant commenting on the annoyance that is the LGBTQIA+ lobby. Another example of conservatism was from a participant that classified the existence of transgender people as “debauchery”, but perhaps the most interesting part about this participant's answer was the usage of the word “libtards” (a portmanteau combining the words *liberal* and *retard*), an insult often used by alt-right trolls online, especially in English speaking countries (Olson & LaPoe, 2017). This is further evidence of the rise of conservatism and reactionary discourse worldwide, as was mentioned within the initial literature review at the start of this dissertation, especially when we consider that our study was based in Portugal, a country that does not have English as its official language. For a Portuguese participant to include the insult “libtard” within an answer written in Portuguese only illustrates further how pervasive and insidious the

worldwide alt-right and conservative influences are, further threatening the existence of sexual rights.

As Braun, Clarke, Boulton, Davey, & McEvoy mentioned in their 2021 article (citing Braun et al. 2017, and Terry & Braun, 2017), the anonymity of responding to an online questionnaire may allow for participants to ‘talk back’ to the research team, which happened in our questionnaire not only through the answers to our question (in one instance, a participant called our question “annoying” and didn’t elaborate any further), but also through the sociodemographic questionnaire. When choosing their gender, two participants chose the option “Other: please specify” to further elaborate on how they don’t agree with the existence of gender, or how there are only two genders.

Interestingly, the person who disagreed with the existence of gender (claiming gender is subjective, and that only sex is real and objective) then went on to answer our question in great detail, including classifying pornography as distorted information about sex, and classifying both surrogacy and prostitution as a means to explore and oppress poor women. By all accounts, this person’s views are feminist in nature, but their criticism about gender (and the biological essentialism behind their comment on sex being real and objective) may allude to what is known as trans-exclusionary radical feminism (abbreviated as TERF), which is, by itself, a threat to sexual rights by denying transgender women’s existence as women and limiting their existence in the public space (Hotine, 2021). This participant provided a good example on how the sexual rights of minorities (in this case, transgender people) may still be threatened by those who defend various kinds of sexual rights.

4.5 On the word “rights”, or how semantics and colloquialism may play a role in the perception of sexual rights

As we reviewed the data, it became clear that, for some people, the word “rights” implied an entitlement or privilege over others, rather than simply meaning rights inherent to all human beings, which is to say, *human rights*. As such, we received answers that viewed “rights” in a bad light, whereas other responses, while being more complex and closer to the definition of sexual rights as human rights, also fell under the semantics trap of “rights” as an entitlement over others. These responses, as well as others that utilized the word “rights” in a similar manner, illustrate the need for clarity of speech and meaning when approaching the subject of sexual rights, not only when investigating the matter further, but also when providing information and educating the general public on the significance and importance of sexual

rights. It is entirely possible that the colloquial use of the word “rights”, or the misinterpretation of its meaning in a humanitarian sense, may contribute to the lack of consensus on the definition from our participants.

4.6 Limitations of the study

Our study has a few limitations, some of which are related to the fact that the questionnaire took place online. Although online questionnaires would, in theory, be able to reach a greater number of people than if they were to be done in person (and are far less time-consuming for the investigation team, and utilize less human resources, than interviews), we cannot ignore the fact that social media circles play a role in the dissemination of information, including participation in studies such as this one, not only through common interests in social circles, but also due to social media algorithms, which tend to favor the content created by those we relate, engage and identify with the most. As such, it is possible that the snowball method was limited within a specific social bubble of shared interests and motivations, and therefore, biased. It is entirely possible that the study reached a greater percentage of people who were already familiar with the term sexual rights, for example, either through activism work or through exposure to such concepts online.

With the questionnaire being online, only those with technological literacy would be able to participate in the study, therefore excluding those who are not as familiar with the evolution in technology. Another disadvantage to using an online platform is that some people may have sought out the definition of sexual rights prior to answering, rather than giving an honest or more spontaneous answer that was more truthful to their actual knowledge and perception of sexual rights. The platform in which the questionnaire was filled out may have also played a role: it is possible that shorter answers may have come from participants who answered the questionnaire via mobile, as opposed to laptop/desktop users, who would, in theory, have an easier time typing out longer replies. In an interview, the disadvantages mentioned above would have had less of an impact.

Although we gathered several answers that were both lengthy and complex, using an open-ended question (rather than a more specific one) may have limited the participants' ability to reply. In addition to that, the lack of a follow-up interview also means that answers that are less precise or even ambiguous cannot be explored or developed further. As an example, one of the participants (male, did not disclose age) answered with a single word, “Court”, which alludes to legal matters, but such an answer was too vague to be properly codified. Therefore,

if a follow-up interview were to happen, we would be able to clarify what this participant meant with his original answer, and it would have been included in the data analysis for this study.

Furthermore, the fact that the question being analyzed in this study was the last question in an overall lengthy questionnaire may have contributed to disengagement or fatigue from the participants, as mentioned by Braun et al (2021) when discussing questionnaire length. This questionnaire fatigue may explain why, out of all the participants in the broader survey form that this study was part of, only less than a third replied to our question.

4.7 Contributions and implications

Although it is widely said that Portugal is a country stuck in time, it is in fact one of the countries with some of the most progressive laws in terms of sexual rights, reproductive rights, and LGBTQIA+ rights. With our study, we were able to see that Portuguese adults have a perception of sexual rights that is close to reality, albeit somewhat limited, as it consisted mainly of the right to information and education, access to health, legal protection, autonomy, identity, consent, and the right to be protected from violence.

However, the legal framework by itself is not enough to educate the population on their rights, whether they are sexual rights or just basic human rights. One such example is the way some participants viewed the word rights in such a bad light, which may be related to the level of literacy regarding this subject; as such, in order for proper education to occur, it is important to understand the target population's level of literacy, not just in general, but in terms of human rights and sexual rights. The fact that the answers consisted mostly of the concepts already listed above may also mean that further education on the matter of sexual rights is necessary: after all, the full scope of sexual rights is so much more than those aspects.

Given how very few participants mentioned sexual satisfaction and pleasure, this may mean that educators or health professionals who work with sexology and sexual health may have to do further work on educating the general public and/or their patients on the importance of pleasure and satisfaction, even though, as we saw beforehand in our literature review, pleasure is not an easy topic to breach at all (Gruskin et al, 2019; Gruskin and Kismödi, 2020). After all, we must not forget that sexual pleasure is part of the declaration of sexual rights from WAS (Kismödi et al, 2017).

Lastly, as many participants who identify as female have brought up the matter of consent throughout our study, it may imply that further education (sexual education in schools,

but also outside of the school system, targeting the general population) on the matter of consent is not only necessary, but urgent.

When studying the perception of sexual rights by laypeople, future studies may consider it beneficial to include more detailed and specific questions (e.g. asking for suggestions on how to implement those rights), rather than opting for a broader sense of the term. Future studies would also benefit from including questions regarding the level of engagement of the participants in activism and/or political and social participation, for example, to allow for better comprehension of the answers considering the participants' already existing knowledge.

Given the sheer number of female participants who brought up the matter of consent (either through a variation of “no means no”, or referring to it outright) when compared to the number of male participants who brought up consent in their answers, future studies would also benefit from doing an in-depth analysis of the relationship between consent and gender identity, or how different genders conceptualize and understand consent in its various forms.

Lastly, it would also be important for future studies to contemplate the importance of sexual rights and human rights for those who do not fall under the category of “citizen”, such as migrants and refugees, and how to improve and apply those same rights to every person, regardless of citizenship status.

References

- Antić, M., & Radačić, I. (2020, November). The evolving understanding of gender in international law and 'gender ideology' pushback 25 years since the Beijing conference on women. In *Women's Studies International Forum* (Vol. 83, p. 102421). Pergamon.
- Altman, D., & Beyrer, C. (2014). The global battle for sexual rights. *Journal of the International AIDS Society*, 17(1).
- Braun, V., & Clarke, V. (2021). *Thematic analysis. A practical guide*. London: Sage Publications Ltd.
- Braun, V., Clarke, V., Boulton, E., Davey, L., & McEvoy, C. (2021). The online survey as a qualitative research tool. *International journal of social research methodology*, 24(6), 641-654.
- Braun, V., & Clarke, V. (2023). Is thematic analysis used well in health psychology? A critical review of published research, with recommendations for quality practice and reporting. *Health Psychology Review*, 1-24.
- Constitution of the Portuguese Republic (2022), available for consultation online at <https://www.parlamento.pt/Legislacao/Paginas/ConstituicaoRepublicaPortuguesa.aspx>
- Dermer, S. B., Dunham, S. M., & Mercer, M. E. (2021). Utilizing a Human Rights Perspective to Train Therapists in Sexuality and Sexual Wellness. *Athens Journal of Social Sciences*, 8, 1-10.
- Giami, A. (2015). Sexuality, health and human rights: The invention of sexual rights. *Sexologies*, 24(3), e45-e53.
- Gomes, R., Murta, D., Facchini, R., & Meneghel, S. N. (2018). Gender and sexual rights: their implications on health and healthcare. *Ciência & Saúde Coletiva*, 23, 1997-2006.

- Gruskin, S., Kismödi E. (2020). A call for (renewed) commitment to sexual health, sexual rights, and sexual pleasure: A matter of health and well-being. *American journal of public health*, 110(2), 159-160.
- Gruskin, S., Yadav, V., Castellanos-Usigli, A., Khizanishvili, G., & Kismödi, E. (2019). Sexual health, sexual rights and sexual pleasure: meaningfully engaging the perfect triangle. *Sexual and Reproductive Health Matters*, 27(1), 29-40.
- Hotine, E. (2021). Biology, Society and Sex: Deconstructing anti-trans rhetoric and trans-exclusionary radical feminism. *Journal of the Nuffield Department of Surgical Sciences*, 2(3)
- Hussein, J. (2020). COVID-19: What implications for sexual and reproductive health and rights globally?. *Sexual and reproductive health matters*, 28(1), 1746065.
- ILGA Portugal. *Saúde em Igualdade* (2015). Available online in pdf form at <https://igualdadenasaude.ilga-portugal.pt/>
- ILGA World. Lucas Ramon Mendos, Kellyn Botha, Rafael Carrano Lelis, Enrique López de la Peña, Ilia Savelev and Daron Tan. (2020) *State-Sponsored Homophobia 2020: Global Legislation Overview Update* (Geneva, December 2020).
- IPPF (2008). *Sexual rights: an IPPF declaration*. United Kingdom
- IPPF (2016). *Everyone's right to know: delivering comprehensive sexuality education for all young people*. United Kingdom
- Kismödi, E., Corona, E., Maticka-Tyndale, E., Rubio-Aurioles, E., & Coleman, E. (2017). Sexual rights as human rights: A guide for the WAS declaration of sexual rights. *International Journal of Sexual Health*, 29(sup1), 1-92.
- Lew-Starowicz, M., Giraldi, A., Krüger, T. H. C. (2021). *Psychiatry and Sexual Medicine: A comprehensive Guide for Clinical Practitioners*. Cham: Springer Nature Switzerland
- Miller, A. M., Kismödi, E., Cottingham, J., & Gruskin, S. (2015). Sexual rights as human rights: a guide to authoritative sources and principles for applying human rights to sexuality and sexual health. *Reproductive Health Matters*, 23(46), 16-30.

- Okeke, S. R., Idriss-Wheeler, D., & Yaya, S. (2022). Adolescent pregnancy in the time of COVID-19: what are the implications for sexual and reproductive health and rights globally?. *Reproductive Health*, 19(1), 1-5.
- Olson, C. S. C., & LaPoe, V. (2017). “Feminazis,” “libtards,” “snowflakes,” and “racists”: Trolling and the Spiral of Silence effect in women, LGBTQIA communities, and disability populations before and after the 2016 election. *The journal of public interest communications*, 1(2), 116-116.
- Pizzarossa, L. B., & Perehudoff, K. (2017). Global survey of national constitutions: mapping constitutional commitments to sexual and reproductive health and rights. *Health and human rights*, 19(2), 279.
- Plummer, K. (2011). *Intimate citizenship: Private decisions and public dialogues*. University of Washington Press.
- Reis Brandão, E., & Cabral, C. D. S. (2019). Sexual and reproductive rights under attack: the advance of political and moral conservatism in Brazil. *Sexual and reproductive health matters*, 27(2), 76-86.
- Richardson, D. (2000). Constructing sexual citizenship: Theorizing sexual rights. *Critical social policy*, 20(1), 105-135.
- Santos, A. (2012). *Social movements and sexual citizenship in Southern Europe*. Springer.
- Stubbs, P., & Lendvai-Bainton, N. (2020). Authoritarian neoliberalism, radical conservatism and social policy within the European Union: Croatia, Hungary and Poland. *Development and Change*, 51(2), 540-560.
- Tiefer, L. (2002). The emerging global discourse of sexual rights. *Journal of Sex & Marital Therapy*, 28(5), 439-444.
- Todd, N. R., Yi, J., Blevins, E. J., McConnell, E. A., Mekawi, Y., & Boeh Bergmann, B. A. (2020). Christian and political conservatism predict opposition to sexual and gender minority rights through support for Christian hegemony. *American journal of community psychology*, 66(1-2), 24-38.

- United Nations Population Fund. *Gender Equality and Addressing Gender-based Violence (GBV) and Coronavirus Disease (COVID-19) Prevention, Protection and Response*. [UNFPA website]. 2020. <https://www.unfpa.org/resources/gender-equalityand-addressing-gender-based-violence-gbv-and-coronavirus-disease-covid-19>.
- Weeks, J. (1998). The sexual citizen. *Theory, culture & society*, 15(3-4), 35-52.
- World Health Organization. (1975). *Education and treatment in human sexuality: the training of health professionals, report of a WHO meeting [held in Geneva from 6 to 12 February 1974]*. World Health Organization.
- World Health Organization (2022). *Sexual and Reproductive Health and Research*. <https://www.who.int/teams/sexual-and-reproductive-health-and-research/key-areas-of-work/sexual-health/defining-sexual-health> (First visited on 04/04/2022, last visited on 01/03/2023)