



Alison Des Forges Symposium

Sexual and Reproductive Autonomy: Human Rights Perspectives

War is being declared on the body and sexual autonomy is under assault for LGBTQ+ people and those seeking safe and legal access to abortion. Focusing on human rights and an international perspective, our symposium brings together scholars, survivors and legal experts to discuss the politics of sexual and reproductive rights.

Tuesday, April 16, 2024

8:45 - 4:00

PROGRAM

8:45 WELCOMING REMARKS

9:00 - 12:00 REPRODUCTIVE AUTONOMY AS A HUMAN RIGHT

Moderator: Lucinda Finley, Raichle Professor of Law, University at Buffalo

"Reproductive Justice Beyond Abortion in the Post-Dobbs Era"

Kimberly Mutcherson, Professor of Law, Rutgers Law School

The reproductive justice (RJ) frame provides a critical lens through which to understand and combat the changes to abortion access occasioned by the Supreme Court's *Dobbs* decision. The RJ lens, however, pushes us to dive deeper into the impact of *Dobbs* in other areas such as the criminalization of pregnancy, maternal morbidity and mortality, and the consequences of the movement for fetal and embryonic personhood. Our deeper discussion must also include the disparate race and class impact that the post-*Dobbs* landscape has on low-income communities and communities of color. This talk explores why the call to restore *Roe* fails to embrace this moment as an opportunity to aggressively pursue an RJ agenda that centers the experiences of marginalized women and demands far more than the bare minimum that *Roe* provided.

“Abortion Access in the U.S.”

Sawyeh Esmaili, Senior Counsel, National Women's Law Center

In *Dobbs v. Jackson Women's Health Organization*, the U.S. Supreme Court overturned decades of precedent and declared there is no federal constitutional right to abortion care. The *Dobbs* decision exacerbated the already-existing patchwork of restrictive abortion laws and policies in the U.S. This talk will discuss the legal history of abortion in the United States, the country's current landscape, and how the lawfulness of abortion has never meant meaningful access to care.

“Advancing Reproductive Justice: Learnings from South America”

Alicia Ely Yamin, Lecturer on Law and Adjunct Senior Lecturer on Health Policy and Management, Harvard University

The *Dobbs* ruling centered attention on the United States, long a model for those seeking to broaden reproductive rights, as a global outlier — part of a small subset of nations that over the past two decades has made it harder for women to get abortions. By contrast, a number of countries in Latin America, including three of the most populous countries, now find themselves in the vanguard of expanding abortion rights worldwide. The so-called Green Wave has led to the legalization of abortion in Argentina through the first trimester, and to the decriminalization of abortions in Colombia and Mexico to differing extents. This presentation will describe these struggles and propose insights for the U.S. context.

“War and Displacement: Sexual and Reproductive Health in Conflict Zones”

Therese McGinn, Professor Emerita, Mailman School of Public Health, Columbia University

Sexual and reproductive health and rights were traditionally absent in the world's humanitarian response to refugees and displaced persons affected by conflict. In the mid-1990s, this began to change. Today, while not always comprehensive, sexual and reproductive health care is a standard component of the response. What brought about the change? What factors have influenced the progress - and relapses - in making sexual and reproductive health and rights part of 'business as usual' in the United Nations', international NGOs' (Non-Governmental Organizations) and local organizations' work on the ground in complex humanitarian emergencies?

12:00 - 1:00 LUNCH

1:00 - 4:00 FOCUS ON LGBTQ+ RIGHTS

Moderators: **Alice Kelsey Lewis-Pilcher**, Assistant Professor of Global Gender and Sexuality Studies, University at Buffalo, and **Elisabeth Paquette**, Associate Professor of Comparative Literature, University at Buffalo

“Intersex Autonomy in African Contexts: Colonial Histories and Activist Leadership for the Future”

Amanda Lock Swarr, Associate Professor, Department of Gender, Women and Sexuality Studies, University of Washington

Colonial travelers, scientists, and doctors have falsely claimed that “hermaphroditism” and intersex are disproportionately common among black South Africans for centuries. But African intersex activists are increasingly debunking this claim. Under the auspices of what they are calling the African Intersex Movement, activists from across southern and eastern Africa have issued a set of unified demands, including ending nonconsensual surgeries, combating quotidian violence, and establishing new policies. This talk foregrounds the priorities of those who describe themselves as the “African intersex reference of intelligence” and explores how they reclaim their autonomy and refuse the racialized violence of intersex medicine while articulating new decolonial visions of gender outside of simple binaries.

“Straddling Worlds, Straddling Wars: The Woman’s Body as a Colonized Site”

Unoma Azuah, English Professor, Wiregrass Georgia Technical College, Valdosta Campus

This presentation explores where the justice instituted by colonial courts and tradition/customary rendered justice diverge. Indigenous African sexuality is diverse; it’s fluid and it is queer. The major conflict in this context is between state power and the customary/spiritual power of the indigenous tradition. In custom, the Nigerian queer community asserts its authenticity and spiritual power in spite of oppressive state laws. In addressing these issues, Azuah also uses her own personal story as an individual model and Achebe’s decolonization narrative as an artistic model for resistance.

“State of Emergency: Escalating Attacks on LGBTQ+ People at All Levels of Government”

Sarah Warbelow, Vice President--Legal, Human Rights Campaign

This talk will discuss the broad array of anti-LGBTQ legislation, with a particular focus on the definition of sex bills and new forms of restrictions for Gender Affirming Care. It will also discuss the role the federal government plays in these types of legislation, one example being how the House misused the appropriations process to target LGBTQ+ people. From there it will transition into the role that the *Dobbs* decision has had on policy decisions, and how Post-*Dobbs* Republicans feel the need to attack a small and vulnerable community.

“LGBTQ+ and Reproductive Justice: Current Threats and Opportunities in the U.S”

Patience Crozier, Director, Family Advocacy, GLBTQ Legal Advocates & Defenders

This talk will explore threats and opportunities in the current LGBTQ+ legal environment, which has become increasingly interconnected with the reproductive rights movement since the *Dobbs* decision. Focusing on legislative threats at the state level, it will discuss bans on Gender Affirming Care in Alabama and Florida, attacks on schools that support transgender children, attacks on LGBTQ families (e.g. stripping parents of the marital presumption in Oklahoma, Idaho and Pennsylvania), and the rise of fertility fraud and gamete regulations bills that undermine LGBTQ family stability. Opportunities to create positive change include shield or provider protection legislation to protect access to transgender and reproductive health care in legal states, expanded access to fertility healthcare, and access to parentage protections for LGBTQ+ families and their children.

SPEAKERS (in order of appearance)



Kimberly Mutcherson (<https://law.rutgers.edu/directory/view/mutchers>) is a Professor of Law and former Co-Dean at Rutgers Law School in Camden, New Jersey. She is a reproductive justice scholar whose work focuses on assisted reproduction and abortion among other topics. Cambridge University Press released her edited volume, *FEMINIST JUDGMENTS: Reproductive Justice Rewritten* in 2020. Mutcherson has served as a Scholar in Residence at the Birnbaum Women’s Leadership Center at New York University Law School, a Senior Fellow/Sabbatical Visitor at the Center for Gender and Sexuality Law at Columbia Law School, and a Visiting Scholar at the Center for Bioethics at the University of Pennsylvania. In

2023, she received the Trailblazer Award from the New Jersey Women Lawyer’s Association. She was a co-recipient of the 2021 M. Shanara Gilbert Human Rights Award from the Society of American Law Teachers and the 2020 Association of American Law Schools inaugural Impact Award as one of the creators of the Law Deans Antiracist Clearinghouse Project. Prior to entering academia, Mutcherson was a consulting attorney at the Center for Reproductive Rights, and a Kirkland & Ellis Fellow and Staff Attorney at the HIV Law Project.



Sawyeh Esmaili is Senior Counsel at the National Women’s Law Center, where she contributes to the Reproductive Rights and Health team’s policy work on abortion access. She was previously a contract attorney for Just Futures Law, where she contributed to federal policy campaigns against Immigration and Customs Enforcement (ICE) and Customs and Border Protection’s (CBP) use of surveillance technology; an Equal Justice Works Fellow and later Staff Attorney for the Detention Program at Americans for Immigrant Justice, where she represented adults detained in ICE custody in immigration and conditions of confinement matters; and an If/When/How

Fellow at the National Latina Institute for Reproductive Justice, where she contributed to NLIRJ’s federal policy work at the intersection of immigrant rights and reproductive justice.

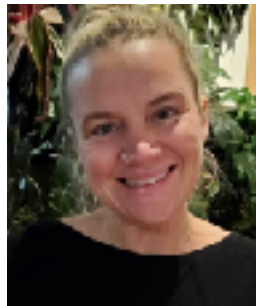


Alicia Ely Yamin (<https://hls.harvard.edu/faculty/alicia-yamin/>) is a Lecturer on Law and the Senior Fellow on Global Health and Rights at the Petrie-Flom Center for Health Law Policy, Biotechnology and Bioethics at Harvard Law School; Adjunct Senior Lecturer on Health Policy and Management at the Harvard TH Chan School of Public Health; and Senior Advisor on Human Rights and Health Policy at the global health justice organization, Partners In Health. Her career has bridged academia and activism. She was appointed by the U.N. Secretary General as one of ten international experts to the Independent Accountability Panel for

Women’s, Children’s and Adolescents’ Health in the Sustainable Development Goals (2016-2021). She has served on numerous other UN, WHO and other global expert committees, and she regularly provides testimony and guidance to tribunals and legislative bodies around the globe regarding the application of international and comparative law to health, and sexual and reproductive rights issues. Yamin has published multiple books and over 160 articles in law and policy journals, as well as peer-reviewed public health journals. Her latest monograph, *When Misfortune becomes Injustice: Evolving Human Rights Struggles for Health and Social Equality*, is due out from Stanford University Press in 2023



Therese McGinn (<https://www.publichealth.columbia.edu/profile/therese-mcginn-drph>) is Professor Emerita of Population and Family Health at Columbia University's Mailman School of Public Health. She is the founding Director of the Reproductive Health Access, Information and Services in Emergencies (RAISE) Initiative, a global collaboration to introduce and expand sexual and reproductive health and rights to women and men affected by conflict. Her focus on applying results from program evaluations and field research has resulted in policy shifts and health care improvements. She currently chairs the Funding Committee for the UK-based Research on Health in Humanitarian Crises and serves on the Board of Directors of Doctors of the World—US.



Amanda Lock Swarr (<https://gwss.washington.edu/people/amanda-lock-swarr>) is Associate Professor in the Department of Gender, Women and Sexuality Studies and faculty of African Studies at the University of Washington. She is the author of *Envisioning African Intersex: Challenging Colonial and Racist Legacies in South African Medicine* (Duke 2023) and *Sex in Transition: Remaking Gender and Race in South Africa* (SUNY 2012). She is also co-editor of *Critical Feminist Transnational Praxis* (with Richa Nagar, SUNY 2010) and has published in journals including *SIGNS*, *Feminist Studies*, and *Transgender Studies Quarterly*. Swarr was previously a MacArthur Scholar and Mellon Fellow. She has collaborated with South African activists since 1997, and her work is concerned with queer, transgender, and intersex studies, medical inequities, and transnational feminist politics.



Unoma Azuah (https://en.wikipedia.org/wiki/Unoma_Azuah) is an English professor at Wiregrass Georgia Technical College, Valdosta Campus. Her research and activism focus on Lesbian, Gay, Bisexual and Transgender (LGBT) rights. She has published a number of critical essays and recently concluded a book project on the lives of gay Nigerians titled *Blessed Body: Secret Lives of LGBT Nigerians*. Her current book project is titled *Wedged Between Man and God: Queer West African Women's Stories*. The prestigious Ms. Magazine describes her memoir, *Embracing My Shadow: growing up a lesbian in Nigeria*, as powerful. Some of her writing awards include the Aidoo-Snyder award, Urban Spectrum award, Flora Nwapa/ Association of Nigerian Authors award, Leonard Trawick award and the Hellman/Hammett Human Rights award.



Sarah Warbelow (<https://wgss.columbian.gwu.edu/sarah-warbelow>) is the Vice President, Legal for the Human Rights Campaign (HRC). She leads HRC's team of lawyers and fellows focused on federal, state, and municipal policy, domestic and international impact litigation, and amicus curiae advocacy. She is also an affiliated professor at George Washington University and George Mason Law School, teaching courses on civil rights law and public policy.



Patience Crozier (<https://www.glad.org/staff/patience-crozier/>) is Director of Family Advocacy at GLBTQ Legal Advocates & Defenders. Her work focuses on youth and family issues, including parentage protections, adoption, access to fertility healthcare, transgender family law, juvenile justice, and child welfare, and work at the intersection of LGBTQ and reproductive justice. Crozier came to GLAD from private practice, where her work focused on LGBTQ probate and family law. She has engaged in cutting-edge trial court and appellate litigation involving assisted reproduction and parentage, including *Hunter v. Rose* (2012), *Adoption of a Minor* (2015), *Partanen v. Gallagher* (2016), *Adoption of Daphne* (2020), and *J.M. v. C.G.* (2023). Most recently, she successfully worked to help pass statutory family law reforms in Connecticut, Maine, New Hampshire, Rhode Island, and Vermont, as well as health care provider shield laws in Massachusetts and Vermont.

Sponsors: Alison Des Forges Memorial Committee; Jack Walsh in Honor of Connie and Kyle Walsh; University at Buffalo: Baldy Center for Law and Social Policy; Departments of Comparative Literature, Global Gender and Sexuality Studies, History, and Political Science; Gender Institute; Humanities Institute; James Agee Chair in American Culture; Office of the Vice Provost for International Education; School of Public Health and Health Professions; School of Social Work.



This symposium honors the life and work of human rights activist Alison Des Forges (1942-2009).

www.alisondesforges.org