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Applying Human Rights to Sexual and Reproductive Health - a Reality for All?

MMS/ aidsfocus.ch Conference in Bern

Applying human rights to sexual and reproductive health - a reality for all?

Von Carine Weiss

At this year's MMS/aidsfocus.ch conference we addressed the issues of human rights to sexual and reproductive health and how a human rights based approach to programming can be applied.



Photo: Steve Parkinson/flickr

Human Rights Violations Happen on a Daily Basis

Sexual and Reproductive Health is a fundamental human right. Human rights are about empowerment and entitlement of people with respect to certain aspects of their lives, including their sexual and reproductive health. We all know that human rights violations happen on a daily basis – every time a person is stigmatised and discriminated because of her or his sexual orientation, every time a person is denied access to essential health services, every time a child or an adolescent girl is forced into marriage, every time a mother dies due to preventable causes during or after the delivery... Today we should not see women dying as they give birth because of insufficient facilities or because of lack of attention or because they are poor. The list of human rights violations is endless.

In recent years we have seen a renewed global commitment to a human rights-based approach to development and, particularly to the universal realization of sexual and reproductive health and rights. The adoption of the 17 goals of the SDGs have changed the global landscape by addressing a wide range of development issues, reflecting the three ‘pillars’ of sustainable development: economic, social and environmental. SDGs are underpinned by human rights and are an expression of a powerful political commitment to advance the realization of SRHR as a fundamental component of sustainable development.

From ICPD to today – are we on track?

A major impetus for the consolidation of the work on SRHR was the 1994 International Conference on Population and Development (ICPD) in Cairo. It marked a paradigm shift which moved family planning out of a population control context and into the broader context of SRHR by putting the rights of people, particularly women, at the centre of the agenda. It called for public health investment in this field as an essential contribution to sustainable development and the reduction of poverty.

“*Reproductive health*...implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so... (ICPD 1994, paragraph 7.2). Bearing in mind the above definition, *reproductive rights* embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence (ICPD 1994; paragraph 7.3)”.

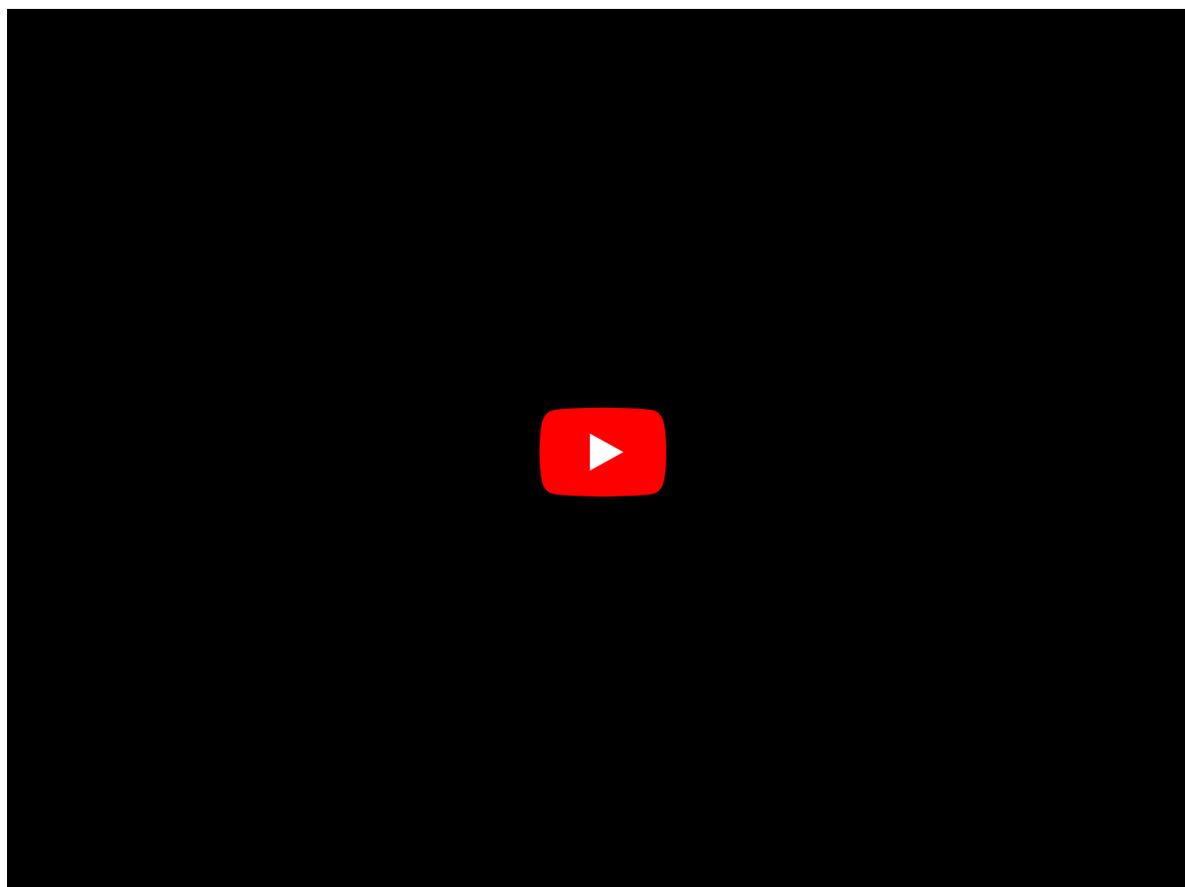
Since 1994, human rights have been incorporated in different ways to address sexual and reproductive health. Accessible, comprehensive SRH services, alongside gender equality and the empowerment of women and girls, are the cornerstones of efforts to enable people to make informed, safe and healthy choices. Since these commitments had not been fully met 20 years on, the ICPD Beyond 2014 Agenda was reconfirmed.

Sexual and reproductive health and rights are fundamentally linked to the enjoyment of many other human rights including the right to life, the right to be free from torture, the right to health, the right to privacy, the right to education, and the prohibition of discrimination. The convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) adopted in 1979 by the UN

General Assembly, is often described as an international bill of rights for women. The Committee on the Elimination of Discrimination against Women (CEDAW) is the body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

Another major contributor for women's right was the fourth UN World Conference on Women held in Beijing, China 1995 which resulted in the Beijing Declaration and Platform for Action adopted by 189 Member States. It still remains today the most comprehensive global policy framework and blueprint for action for the empowerment of women, gender equality and the human rights of women and girls, everywhere. The Platform for Action covers 12 critical areas of concern that are as relevant today as 20 years ago: poverty; education and training; health; violence; armed conflict; economy; power and decision-making; institutional mechanisms; human rights; media; environment; and the girl child.

These pivotal documents continue to guide the global struggle against constraints and obstacles to the empowerment of women around the world.



Watch the video with the statements of our speaker from this years aidsfocus.ch conference

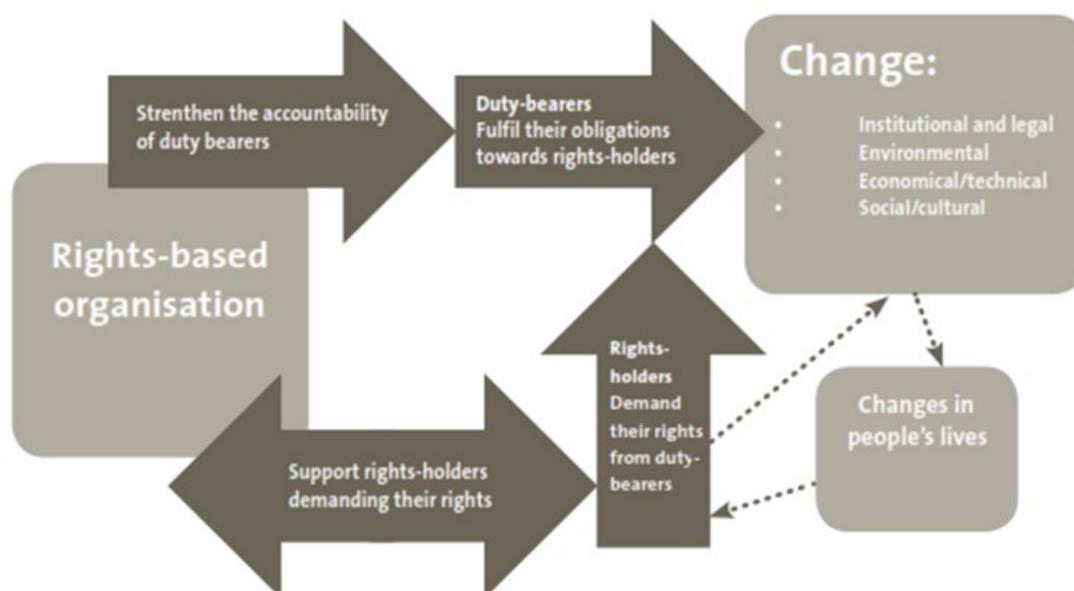
Why is it so difficult to address human rights violations?

Countries who have become party to the treaty (States parties) are obliged to submit regular reports to the Committee on how the rights of the CEDAW are implemented. A state which ratified the CEDAW has committed itself to eliminate for example violence against women but may lack the legal and policy framework to do so. It may lack the necessary data to estimate the size of the problem and

to analyse which group of women is most affected and why. Without these analysis the gaps in interventions cannot be addressed. A human rights analysis is necessary to assess national laws, regulations and policies and barriers which may result out of the lack of such legal and regulatory frameworks. It contributes to the understanding of the wider picture and complexity of sexual and reproductive health of each state.

Human Rights Based Approach as THE solution to development?

The Human Rights based approach (HRBA) is not new. The HRBA gained momentum in 1997, when Kofi Annan, former Secretary-General of the United Nations mandated the UN to mainstream human rights into programmes, policies and activities of all UN agencies. The HRBA came out of the so called “needs approach” where the rights of the citizens became central to development. People are recognised as key actors in their own development, rather than passive recipients of commodities and services. People are empowered to claim their rights and the development is locally owned. The focus is on poor and marginalised people in order to reduce inequalities and disparities. It also encourages empowerment, participation and capacity building with local communities which helps civil societies to hold their governments accountable for their actions. The HRBA takes into account *how development is done* as well *what is done*.



Adopted from Applying a rights based approach an inspirational guide for Civil Societies 2007

The UN has adopted a “common understanding” on the HRBA to development which is based on six principles (universality and inalienability; indivisibility; interdependence and interrelatedness; non-discrimination and equality; participation and inclusion; accountability and the rule of law).

So logical it may sound applying a human rights based approach is challenging. Definitions are not clear and there is a lack of common understanding on how best to implement it practically in a development setting. Nonetheless this tool helps to create more ownership of programs within

communities, it reaches more marginalised people and detects gaps in political will which hinders development and foster the unavailability of certain services. That's where advocacy plays a crucial role and not service delivery to hold governments accountable to deliver its services.

Without Civil Society no Human Rights

Civil Society actors play a crucial role in addressing human rights violations. Without them we would not have addressed as many violations as we did today! Civil Society actors come from different sectors and can be NGOs, associations, networks, coalitions, community groups or faith-based groups, human rights activists, peace campaigners and more. Their interventions vary from combatting poverty, responding to humanitarian crises, promoting rule of law and accountability, advocating for transparency of government budgets, empowering marginalised people, youth or women to provision of social services, to name a few. They bring a proposal of new social values that respect human dignity, physical security of person, freedom and responsibilities, they bring change by mobilising people and generating new ideas and by being a catalyst for new practices on the ground.

The Network Medicus Mundi Switzerland stands for Health for All

The Network Medicus Mundi Switzerland (MMS) is committed to the right to health for all. Health for all means that all people equally have the right to physical, mental and social well-being and that the necessary preconditions are met. Health for all means in particular the equal right of all people to access healthcare services that will help them to promote their health and maintain it, prevent disease and to care and treat existing illnesses. Health is primarily determined by political, economic and social factors and the immediate living environment. Health for All may thus arise only where social justice, economic prospects, an ecological sustainable development and peace prevail.

The Network MMS is committed to respect, protect and fulfil human rights and to support its member organisation to do the same. MMS believes that applying a human rights based approach contributes to the improvement of sexual and reproductive health. Now is the time to learn from our shared experiences, replicate and scale-up successful interventions, apply new technologies and develop innovative process and partnerships. We therefore commissioned the Swiss TPH to conduct a study to shed light on the HRBA among its member organisations and to refresh our knowledge and skills on applying this approach.

We look forward to these exciting next steps!

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