



A Human Rights-Based Approach to Sexual and Reproductive Health and Wellbeing

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Session's outline

- ✓ Sexual and Reproductive Health and Rights in sustainable development
- ✓ Concept and application of a human rights based approach to policies and programmes on sexual and reproductive health and wellbeing
- ✓ Focus on accountability and policy engagement to translate political commitments into action-lessons from the Universal Periodic Review

What are Sexual and Reproductive Health Rights

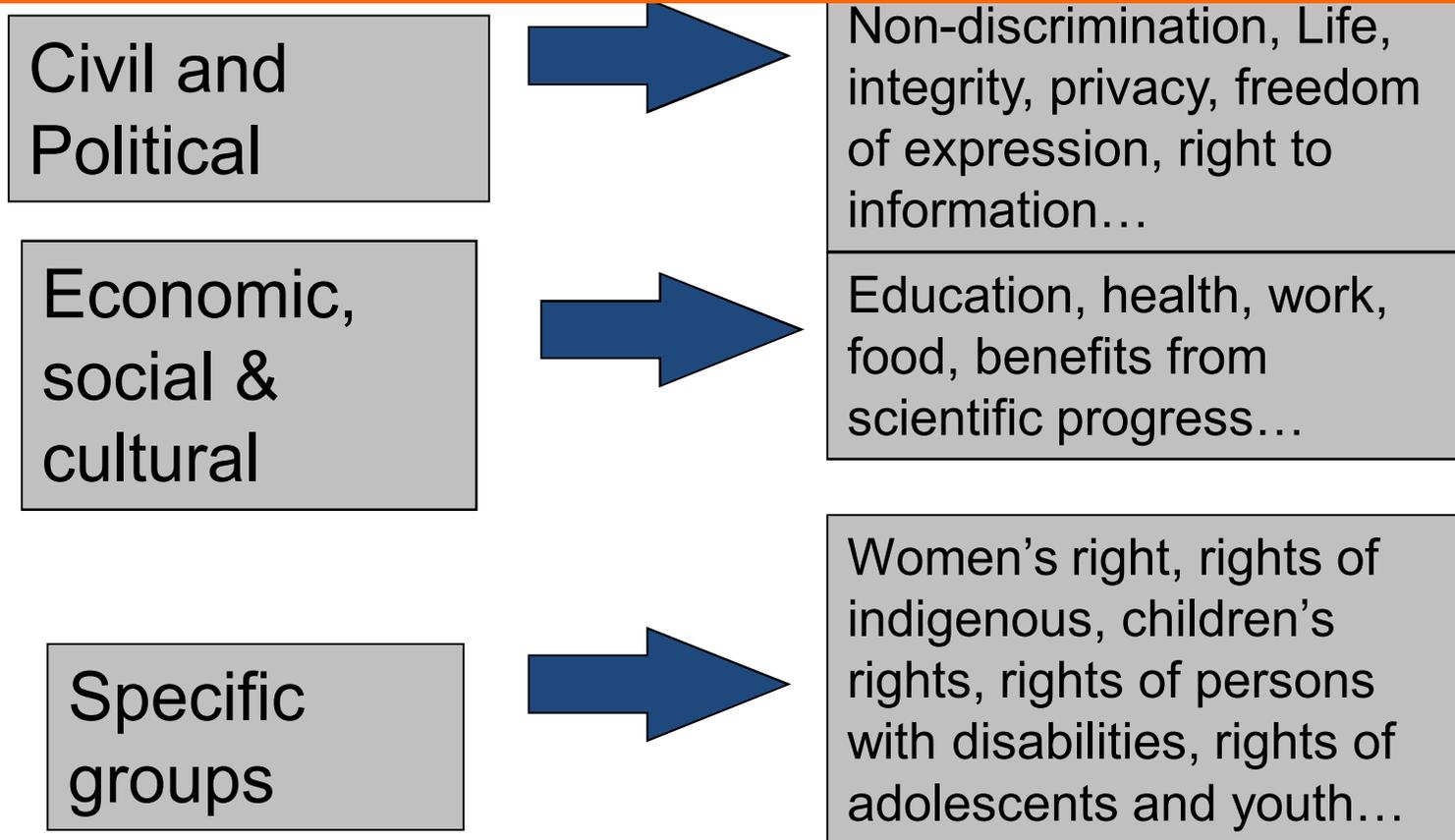
- ❑ A constellation of civil, political, economic, social and cultural rights contained in human rights instruments as they relate to:
 1. Freedom to make **reproductive choices** (information and means to do so)
 2. Right to the highest attainable standard of **sexual and reproductive health**
 3. Freedom from **discrimination, coercion and violence**

- 4. The human rights of women include their **right to have control over and decide freely and responsibly on matters related to their sexuality**, including sexual and reproductive health, **free of coercion, discrimination and violence.**

(ICPD, PoA para. 7.3)

(Beijing, PfA para 96)

ICPD and Beijing enable individuals through rights, freedoms, and empowerment to manage their sexual and reproductive health, their own bodies and lives.



ICPD Beyond 2014 Findings

- Substantial Achievements
- Unequal Progress: gaps in terms of inequalities, quality and accountability
- Fragmented Implementation
- New Challenges & Opportunities
- Re-affirms the ICPD Programme of Action core message:

...that investing in individual human rights, capabilities and dignity – across multiple sectors and throughout the life-course – is the foundation of sustainable development.



Agenda 2030 and the ICPD

➤SDGs are broad and a far-reaching transformative agenda for the peoples and the planet with 17 goals and 169 targets;

Universality and equality

Universal agenda for sustainable development. It reiterates the ICPD's central proposition that **human beings are the purpose** of development.

Quality

2030 Agenda goes beyond access to services to emphasize **quality of services within an enabling environment**

Accountability

- **Bottom-up approach to accountability** from national (and sub-national) to regional to global reviews
- **National ownership** and government-led accountability
- Role of human rights mechanisms and independent bodies? ...



issues central to ICPD echo throughout the SDGs

❑ Goal 3 on ensuring healthy lives and wellbeing for all

- ❑ Target 3.1 – reducing maternal mortality to less than 70/100,000
- ❑ Target 3.7 – *“By 2030, ensure universal access to **sexual and reproductive health-care services**, including for family planning, information and education, and the integration of reproductive health into national strategies and programs.”*

❑ Goal 5 on gender equality

- ❑ Target 5.2 – Eliminate all forms of violence against women and girls in public and private spheres
- ❑ Target 5.3 – Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation
- ❑ Target 5.6 – *“Ensure universal access to sexual and reproductive health and **reproductive rights** as agreed in accordance with the Programme of Action of the ICPD and the Beijing Platform for Action and the outcome documents of their review conferences”*

Applying a Human Rights-Based Approach (HRBA) to policies and programmes on SRH

United Nations Common Understanding on a HRBA

GOAL

All programmes of development co-operation, policies and technical assistance should **further the realization of human rights** as laid down in the UDHR and other international human rights instruments

PROCESS

Human rights standards and principles guide all development cooperation and programming in all sectors and in all phases of the programming process

OUTCOME

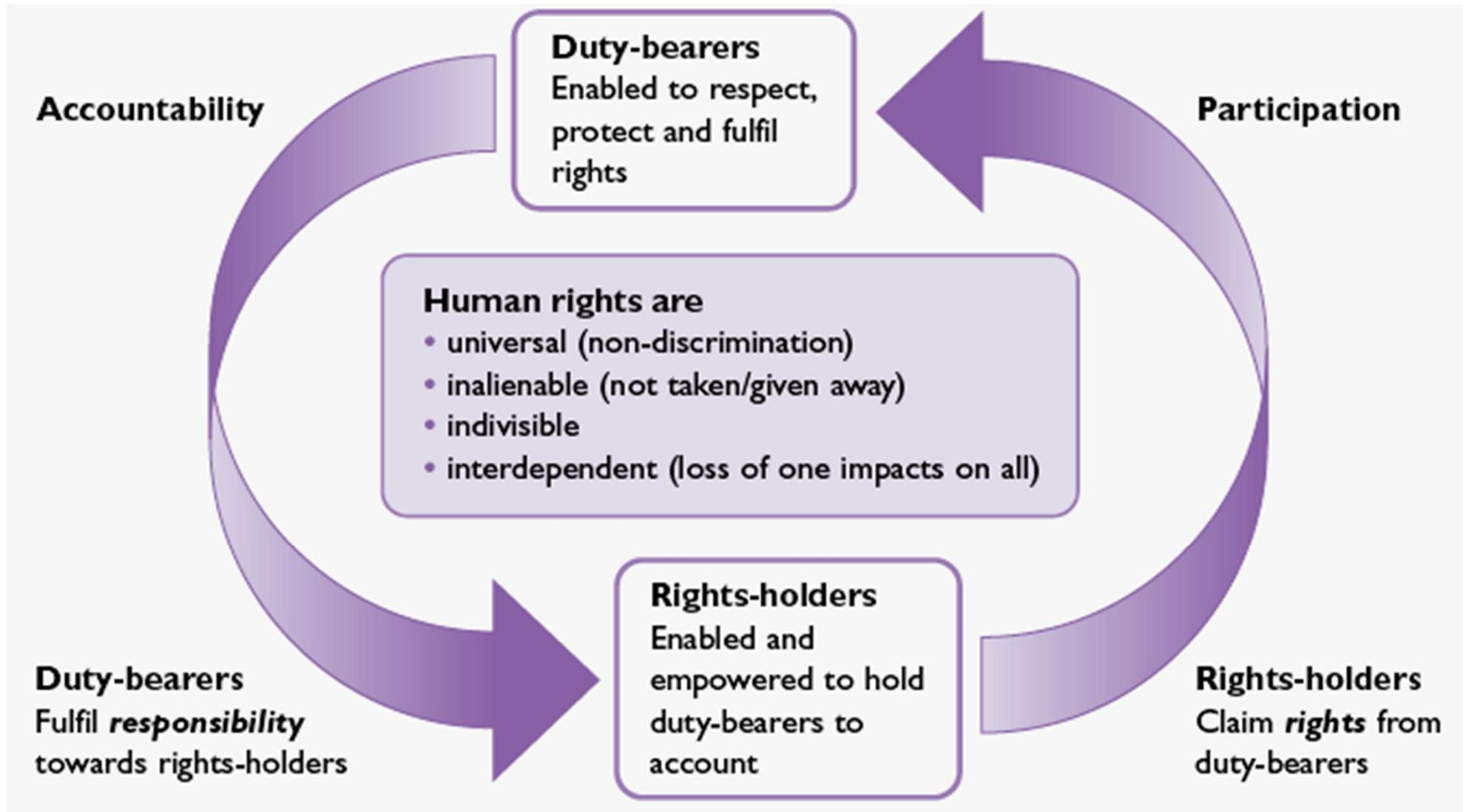
Development cooperation contributes to the **development of the capacities** of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights

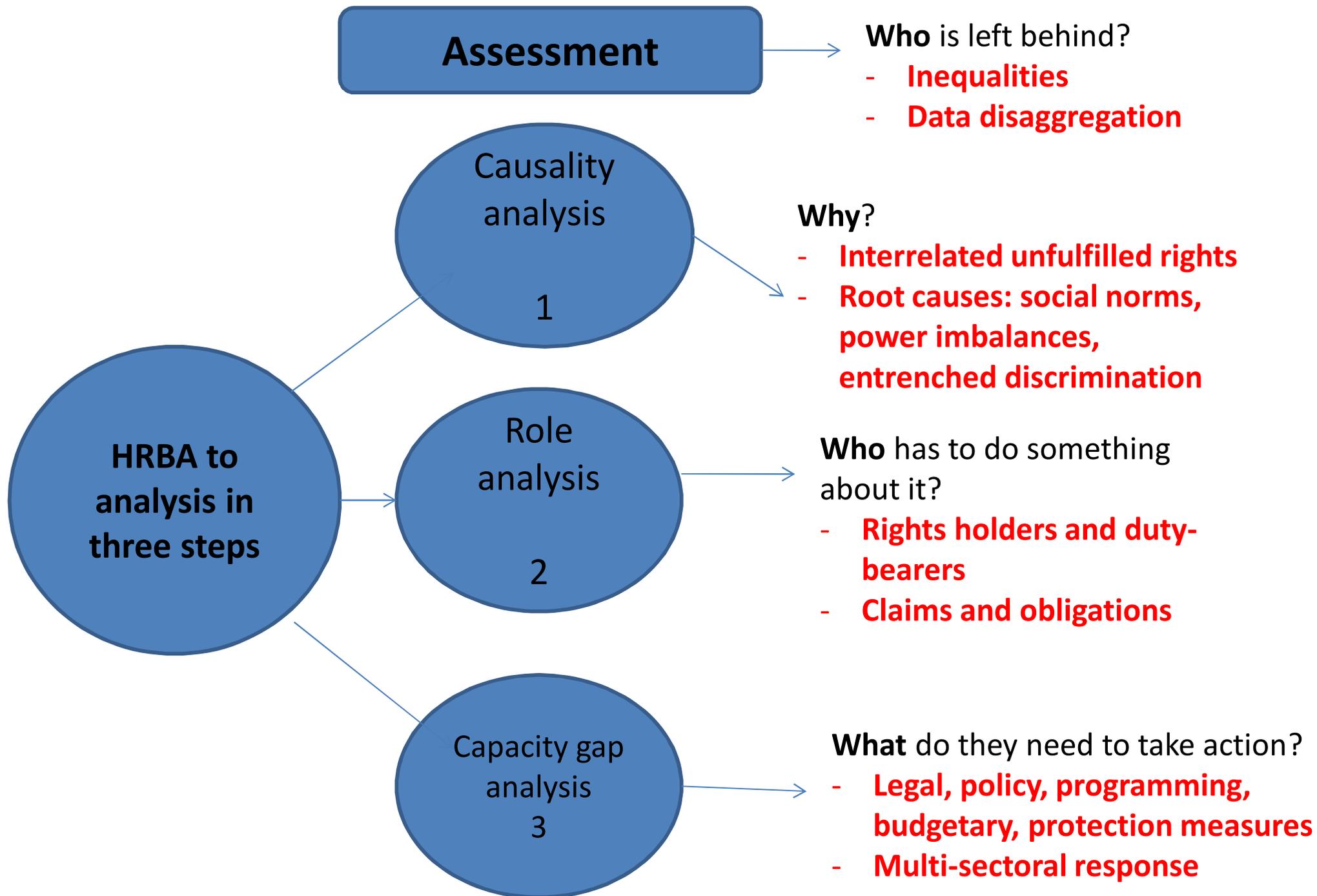
Human Rights Principles

- Universality and inalienability
- Indivisibility
- Interdependence and Inter-relatedness
- **Equality and non-discrimination**
- **Participation** and inclusion
- **Accountability** and rule of law



The Rights-Holder/Duty-Bearer relationship





Strengthening accountability

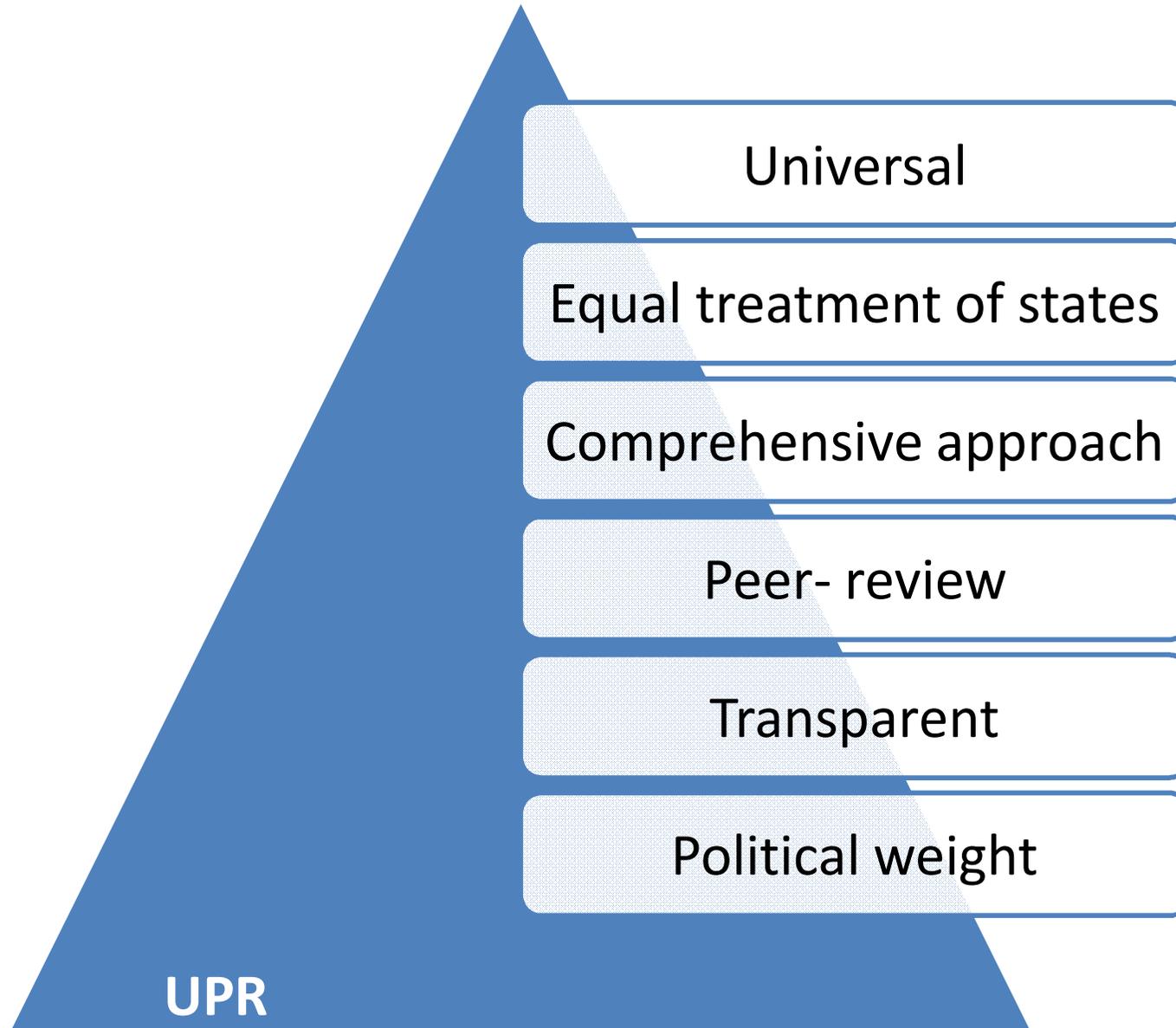
□ **Avenues** for accountability:

- Judicial accountability: e.g. courts, tribunals
- Quasi-judicial accountability: e.g. National HR Institutions
- Administrative mechanisms: e.g. Maternal death reviews
- Political accountability: e.g. Parliamentary commissions
- Social accountability: e.g. social audits, participatory budgeting
- **Engaging with international protection systems: e.g. UPR, CEDAW, CRC**

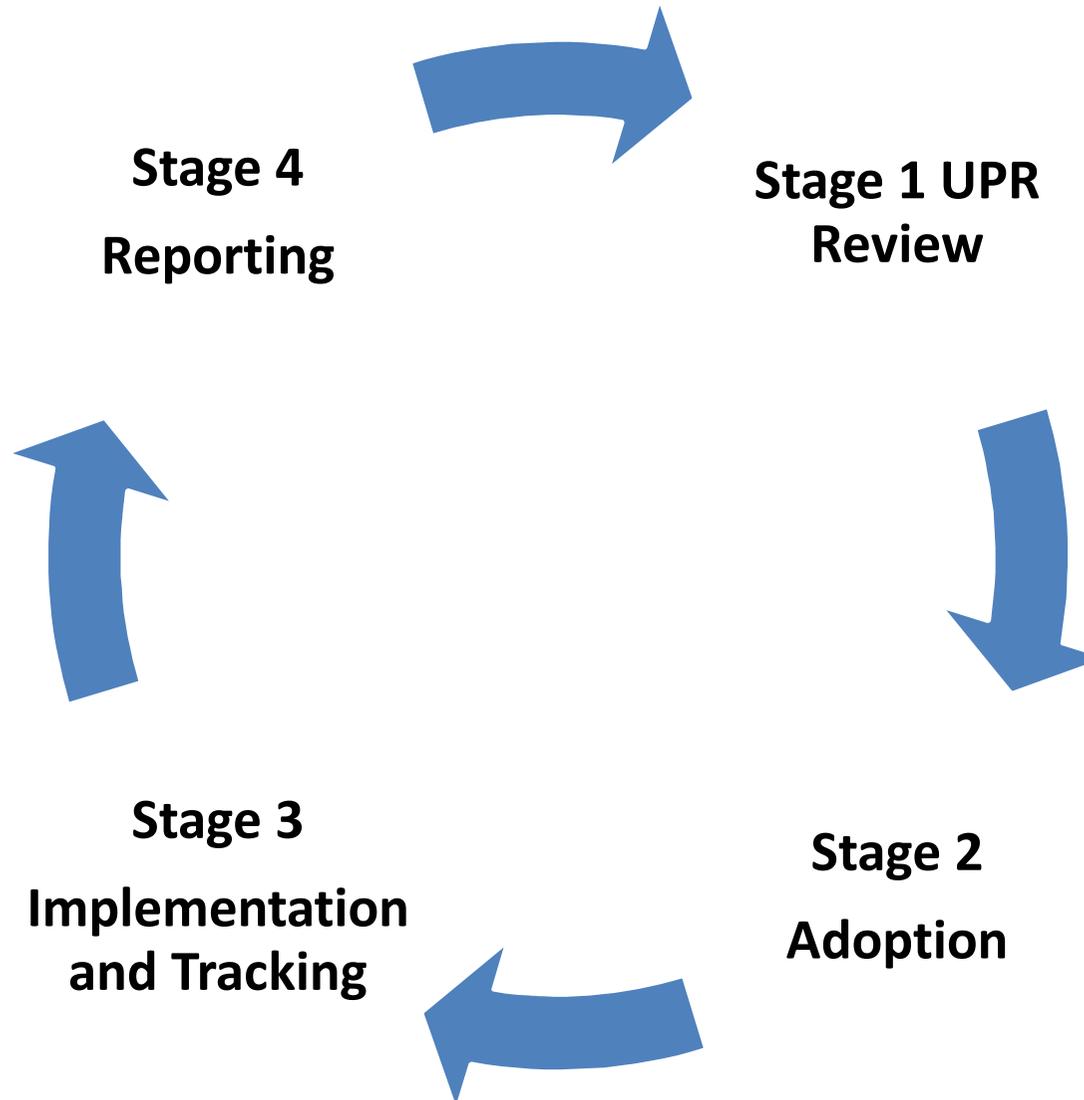


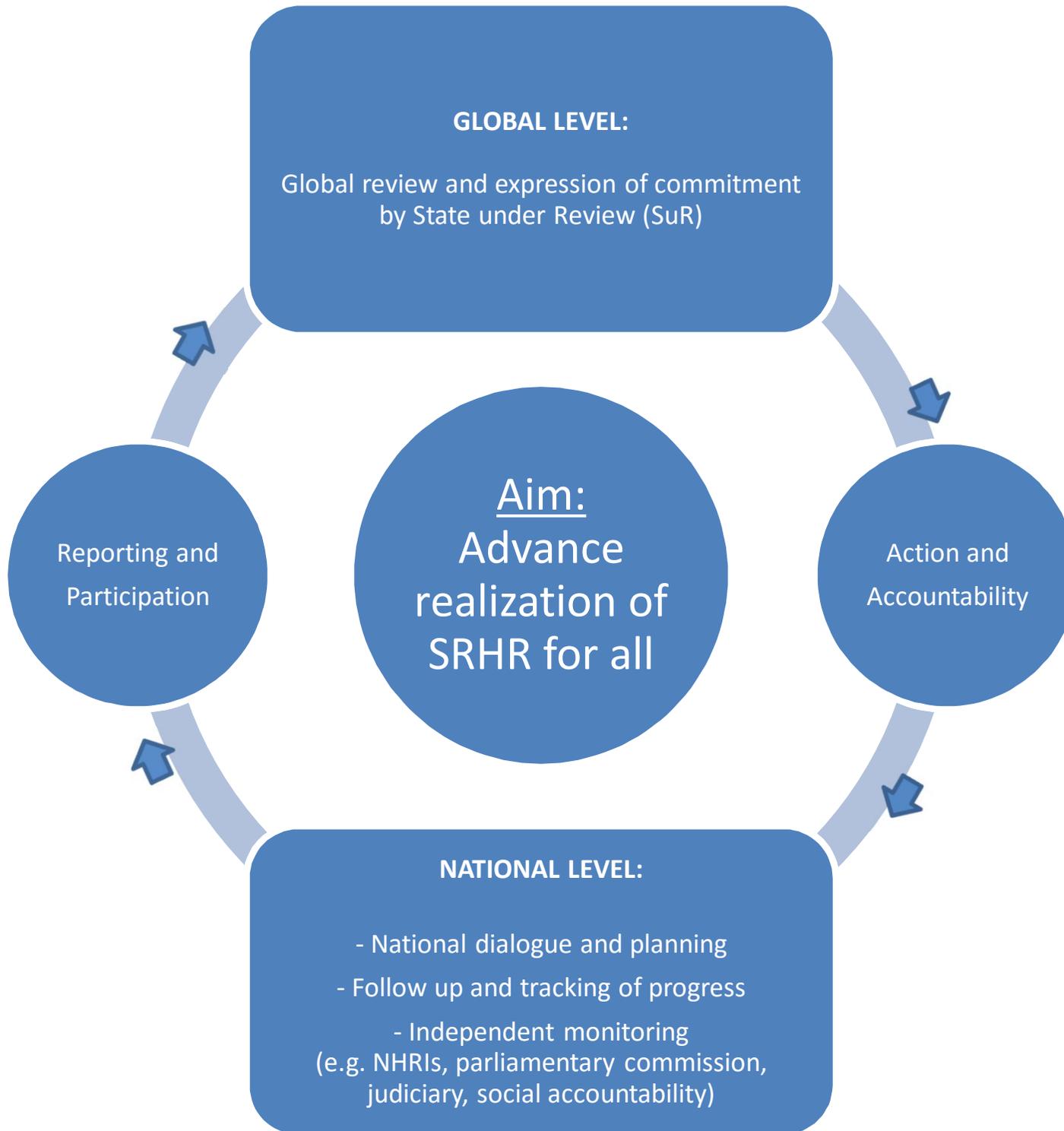
**Sexual and Reproductive Health and Rights in the
Universal Periodic Review:
A model for participation, dialogue and accountability
from national to global levels**

UPR Characteristics



The 4 stages of the UPR Process





Assessment of SRHR recommendations in UPR 1st Cycle

The findings

- ✓ Out of 21,956 recommendations made, 5720 related to gender equality and Sexual and Reproductive Health and Rights (27%)
- ✓ SRHR has received greater attention as 2nd cycle progressed
- ✓ A 77% of recommendations (4,375) were accepted
- ✓ States reported that action was taken on 65% of received recommendations; and 94% of accepted recommendations

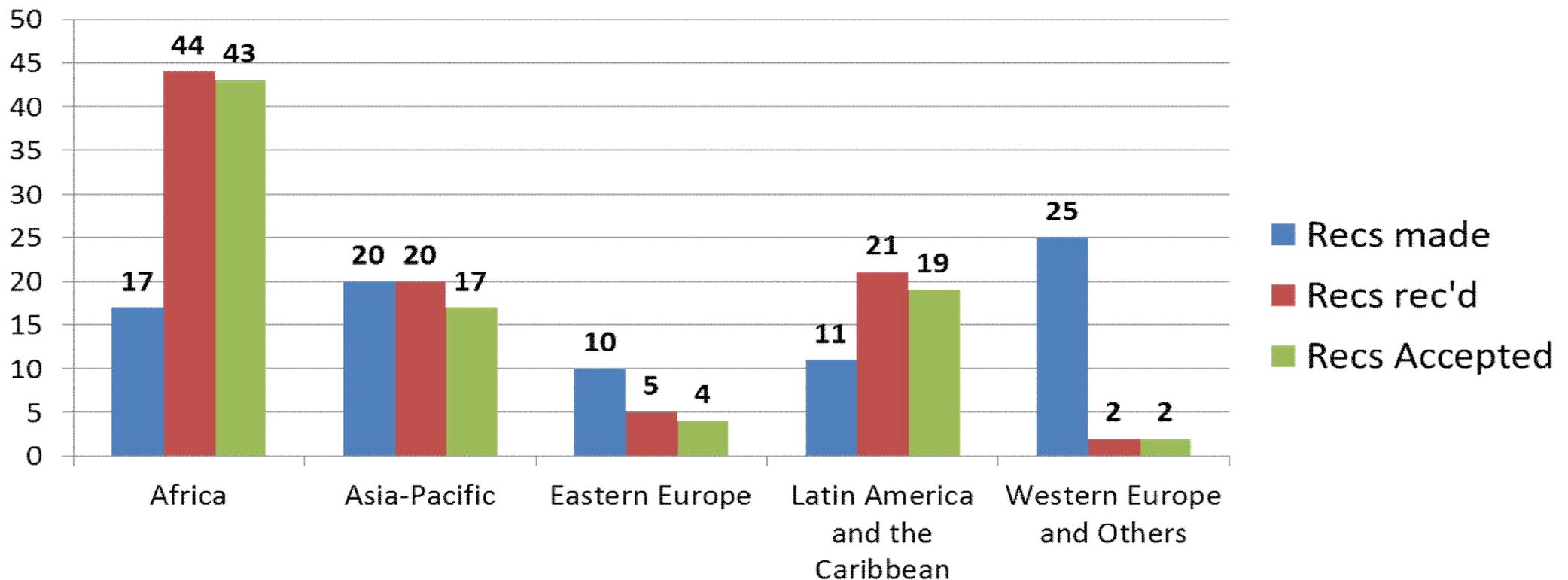
TABLE 9

Number of recommendations made for each SRHR issue during the first cycle of the UPR

Category	Number of recommendations	Category	Number of recommendations
International human rights instruments ²⁷	1530	Gender perspective in policies, programmes	37
Gender equality	1501	Abortion	37
Violence against women/gender-based violence	732	Violence on the basis of gender identity	35
Women's and/or girls' rights	635	Gender perspective in the UPR process	33
Domestic violence	463	Content inconsistent with human rights	33
Sexual exploitation/slavery	410	Forced marriage	32
Discrimination based on sexual orientation	232	"Honour" crimes	28
Sexual violence	227	Sexual harassment	25
Women's participation	221	Polygamy	18
Female genital mutilation/cutting (FGM/C)	211	Others	18
Criminal laws on same-sex sexual practices	207	Sex work	16
HIV/AIDS	168	Forced sterilization	15
Discrimination based on gender identity	143	Sexuality education	15
Same-sex desiring persons	139	Right to privacy	13
Trafficking in women and/or girls	138	Family planning	9
Sexual abuse	125	Human rights defenders	8
Harmful practices based on cultural/ traditional values	102	Early pregnancy	7
Maternal health/morbidity/mortality	92	Contraception	6
Training for State personnel on SRHR Issues	87	Right to marry	5
Transgender person's rights	80	Age of consent for sexual activity	3
Early marriage	63	Sexually transmitted infections (STI)	3
Marital rape	51	"Adultery"	2
Violence on the basis of sexual orientation	48	Pornography	2
Empowerment of women	47	Adolescent sexual activity	0
Birth registration	45	Intersex persons' rights	0
Marginalized groups of women	45	Negative portrayal of women and girls (gender stereotyping)	0
Sexual and/or reproductive rights and/or health broadly	39	Sex selection	0

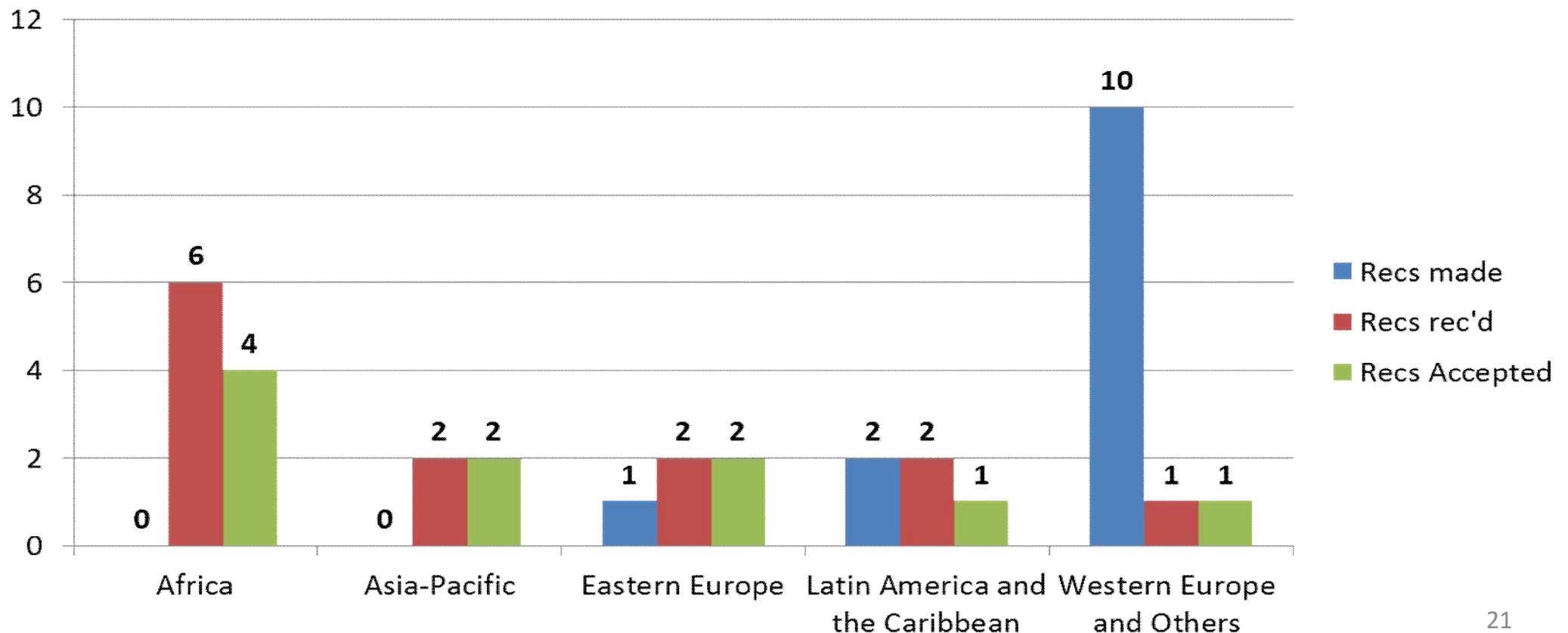
MATERNAL MORTALITY

- A total of **92 recommendations** was made on these issues, the most by the Holy See (9).
- Of the 92 recommendations, **85 were accepted**, reflecting widespread commitment to the issue
- **4 were rejected** and 3 received unclear response. Of the rejected recommendations, 2 pertained to reviewing legislation on abortion
- A few recommendations recognized the link between unsafe abortions and maternal mortality, as well the link between early pregnancy and maternal morbidity and mortality.
- Only 2 recommendations related to maternal morbidity, in a general manner; there were no recommendations on treatment of obstetric fistula, or reduction of associated stigma.



FAMILY PLANNING

- **13 recommendations** made specific reference to contraception or family planning, the largest numbers being from Finland and Norway (3 each)
- Of the **10 accepted recommendations**, 2 focused on increasing access to contraceptives, 3 on providing family planning information and education, and 4 on both;
- 1 recommendation encouraged the SuR to “ensure that programmes for family planning and awareness duly take into account the traditions and physical obstacles faced by women in rural areas.”



Implementation of recommendations

Actions taken to implement recommendations have included:

- **Setting up of national machineries for coordination, planning and follow-up**
- **National dialogue and social mobilisation**
- Enactment of new laws, policies and strategies
- Investing in infrastructure, social services and public education
- training of State personnel, community leaders, social workers, etc.

National Dialogue and Social Mobilization

Mozambique:

- Mobilization and training of 400 youth-led organizations to engage with UPR- Mid-Term-Review and national Human Rights Action Plan
- Participation in dialogue platforms for formulation of national action plan and monitoring of A&Y SRHR recommendations
- Developing of evidence-based advocacy skills
- Drafting of joint submission by a large youth coalition for second cycle

Results:

- government included neglected SRHR recommendations in revised action plan;
- repealed legislation requiring transfer of pregnant girls to night-time schools, and creation of a committee at MoE to monitor implementation measures;
- Revised penal code to protect against sexual abuse of children.

Conclusions

- The SDGs are expression of a powerful **political commitment** to advance the realization of SRHR as a fundamental component of sustainable development
- 2030 Agenda for sustainable development and the highly participatory process that led to **it has lent legitimacy to the application of a human rights-based approach** in its national implementation
- **UPR political traction and its attention to SRHR** can be critical tool to infuse accountability and inclusion in national dialogue processes for SDG implementation and follow-up
- UPR can provide a useful input and a human rights lens to the global SDG review (both national and thematic reviews at the HLPF).