

Human Rights related to sexual and reproductive health

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CASE STUDY

Please read the case study:

1996 WHO Training Curriculum: Gender and Rights in Reproductive Health (This case study was used in the course run in Kunming, China by the Yunnan Reproductive Health Research Association (YRHRA), Kunming Medical College, in 1999.)



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What are human rights?

The rights people are entitled to simply because they are human beings, irrespective of their sex, age, race, citizenship, nationality...



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NEEDS VS. RIGHTS

NEEDS

Needs are met or satisfied

Needs do not imply duties

Needs are not necessarily universal

Needs can be met by goal or outcome strategies

Needs can be met by charity and benevolence

“To Have”

RIGHTS

Rights are realised
(respected, protected,
facilitated and fulfilled)

Rights always imply
correlative duties

Human rights are always
universal

Human rights can be realised
only by attention to both
outcome and process

Charity and benevolence do
not reflect duties

“To Be”

What are human rights?

Human rights become enforceable when they are codified in international treaties, national constitutions and laws.



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Sources of human rights (1)

International Treaties:

- Civil and Political Rights (1966); Economic, Social and Cultural Rights (1966); Racial Discrimination (1965); Women's Rights (1978); Torture (1984); Child Rights (1989); Migrant Workers and their Families (2004); Disability Convention (2006)

Regional Treaties:

- African [Banjul] Charter on Human and Peoples' Rights (1986); Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2005); African Charter on the Rights and Welfare of the Child (1999); [European] Convention for the Protection of Human Rights and Fundamental Freedoms (1953)

International consensus documents:

- ICPD and Beijing

National sources of Human Rights:

- National constitutions, National laws



Human rights

- Right to Life
- Right to liberty and security
- Right to health
- Right to the benefits of scientific progress
- Right to be free from inhuman and degrading treatment
- Right to marry and found a family
- Right to non-discrimination
- Right to education and information



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Reproductive Rights

Reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents, and other consensus documents.

- Right to **decide freely and responsibly** the number, spacing and timing of their children and have the information to do so
- Right to attain the highest standard of sexual and reproductive health
- **Right to make decisions** concerning reproduction free of discrimination, coercion and violence

ICPD, para 7.3



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EXERCISE

Please read the case study again and identify the rights that may have been violated and why?



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Accountability

- **Respect** rights - refrain from interfering with the enjoyment of rights e.g. withdrawing health care from specific populations
- **Protect** rights - prevent violations of human rights by third parties e.g. private companies, individual citizens
- **Fulfil** rights - take appropriate governmental measures toward the full realisation of rights e.g. allocating resources for and setting in place quality health services



Accountability - Actors

Claim-holders

- Women
- Men
- Children

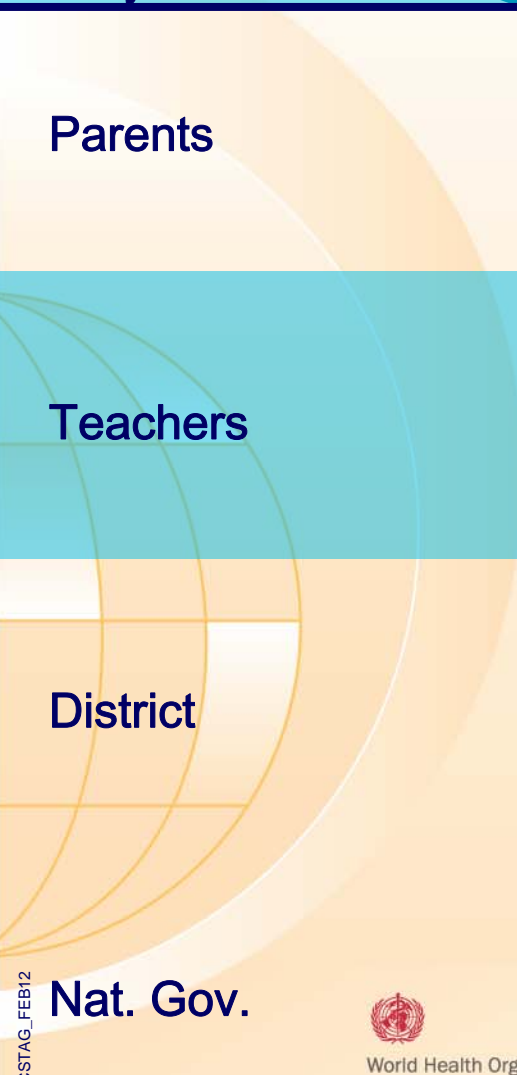
Duty-bearers

- Government
- private sector
- professional associations
- NGOs
- donors, international agencies
- spouses, community leaders, religious leaders, etc.



ANALYSIS OF THE RIGHT TO EDUCATION (Urban Johnson)

| Claim-Holders | Children | Parents | Teacher | District | Nat. Gov. |
|---------------|----------|---------|---------|----------|-----------|
| Duty-Bearer | | | | | |
| Parents | | | | | |
| Teachers | | | | | |
| District | | | | | G3 |
| Nat. Gov. | | | | | |



THE DUAL CLAIM/DUTY RELATIONSHIP (Urban Johnson)

**PARENTS' CLAIMS ON TEACHERS =
TEACHERS' DUTIES TO PARENTS**

**TEACHERS' CLAIMS ON GOVERNMENT =
GOVERNMENT'S DUTIES TO TEACHERS**



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PATTERN OF THE RIGHT TO EDUCATION (Urban Johnson)

| Claim-Holders | Children | Parents | Teacher | Community | District | National Government |
|---|----------|---------|---------|-----------|----------|---------------------|
| Duty-Bearers | | | | | | |
| Parents | | | | | | |
| Teachers | | | | | | |
| Community | | | | | | |
| District Officials | | | | | | |
| National Government Min. of Education Min. of Finance | | | | | | |
| Parliament | | | | | | |



Provide good quality teaching
Not be drunk in school
Not harass girls

PATTERN OF THE RIGHT TO EDUCATION (Urban Johnson)

| Claim-Holders | Children | Parents | Teacher | Community | District |
|---|----------|---------|---------|-----------|----------|
| Duty-Bearers | | | | | |
| Parents | | | | | |
| Teachers | | | | | |
| Community | | | | | |
| District Officials | | | | | |
| National Government Min. of Education Min. of Finance | | | | | |
| Parliament | | | | | |



- Provide proper equipment
- Provide security
- Increase teachers' salaries
- Support training

Right to the benefits of scientific progress

Claim-Holders

Duty-Bearer

G3

Right to the benefits of scientific progress

| Claim-Holders Duty-Bearer | women | researchers | government | International community | |
|------------------------------|-------|-------------|------------|-------------------------|----|
| researchers | | | | | |
| government | | | | | |
| International community | | | | | G3 |

THE DUAL CLAIM/DUTY RELATIONSHIP

**WOMEN'S CLAIMS ON RESEARCHERS =
RESEARCHERS'S DUTIES TO WOMEN**

**RESEARCHERS' CLAIMS ON
GOVERNMENT = GOVERNMENT'S DUTIES
TO RESEARCHERS (AND WOMEN)**



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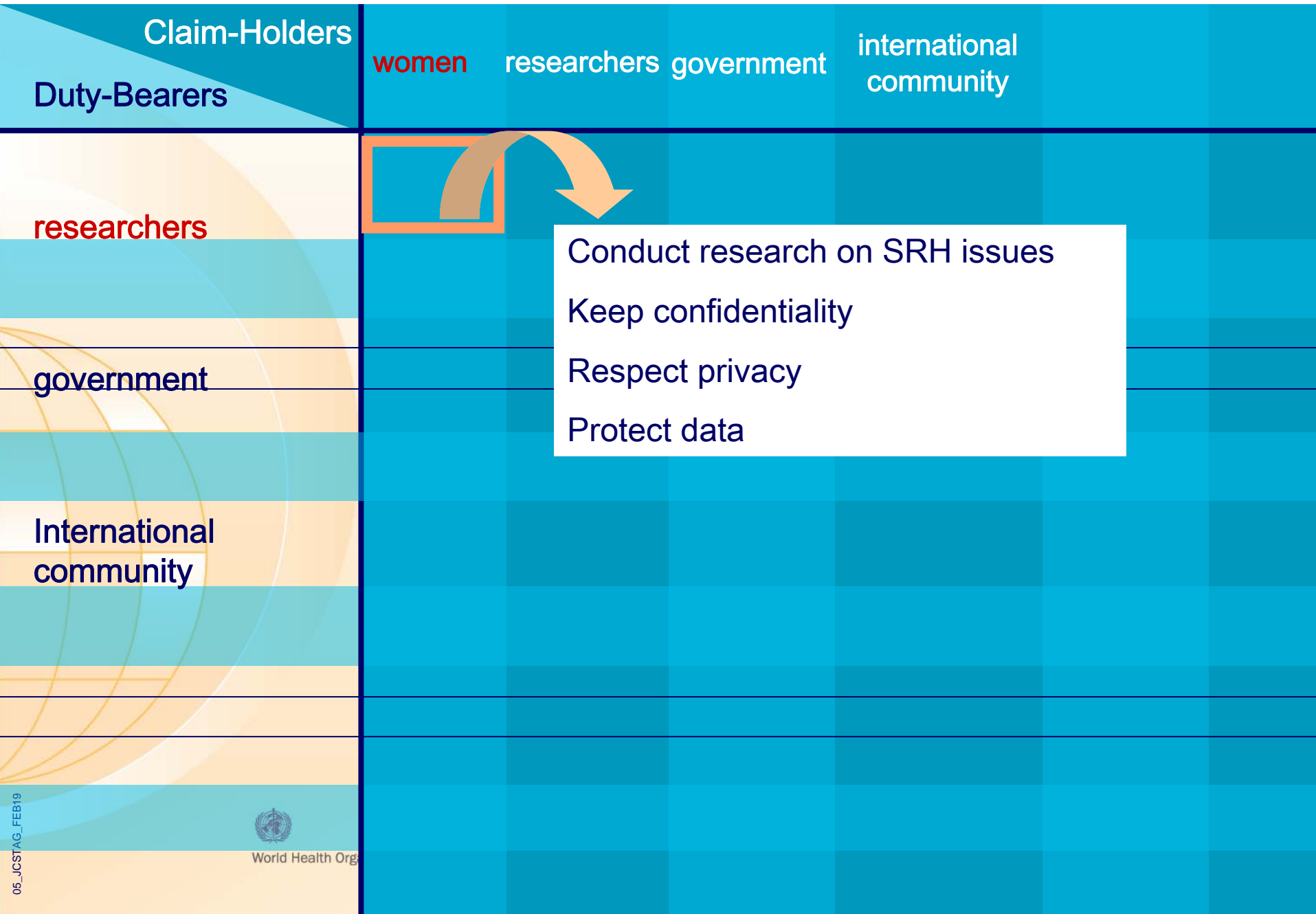


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PATTERN OF THE RIGHT TO EDUCATION



PATTERN OF THE RIGHT TO EDUCATION

Claim-Holders
Duty-Bearers

women

researchers

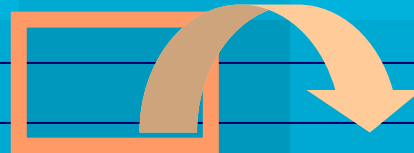
government

international
community

researchers

government

International
community



Provide resources

Provide appropriate conditions

Provide independence, respect the
data found

Publish the findings

Accountability

- Immediate actions
- Progressive realization
 - unwillingness
 - incapability



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Enforcement of human rights

- Establishment of complaint mechanism
- Independent judiciary system, access to legal defence
- Provide remedies for those who suffer violations
- Participation in law, policy, programme development and implementation



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Available at: www.un.org/womenwatch/daw/beijing/platform/
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Publications and documents

http://www.who.int/reproductive-health/pages_resources/listing_gender.en.html

- Defining sexual health - Report of a technical consultation on sexual health
- Advancing Safe Motherhood through Human Rights
- Clinical management of rape survivors - A guide to the development of protocols for use in refugee and internally displaced person situations
- Considerations for formulating reproductive health laws
- Transforming health systems, gender and rights in reproductive health
- Gender and health: Technical paper
- Sexual relations among young people in developing countries: Evidence from WHO case studies
- Information, education and communication, Lessons from the past; perspectives for the future
- Integrating poverty and gender into health programmes: A sourcebook for health professionals (For-sale-publication)
- Integrating Poverty and Gender into Health Programmes: A report on Surveys of Health Ministries and Educational Institutions (For-sale-publication)



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