



Gender- Women's Health- Human Rights

From Research to Practice:
Training in Research in Reproductive Health
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Sex, Gender

- **Sex** is the biological difference between males and females.
- **Gender** refers to the economic, social and cultural attributes and opportunities associated with being male or female in a particular social setting at a particular point in time.





Young women are especially vulnerable

HIV cases in sub-Saharan Africa among 15-24 year olds



75% young women

25% young men



Women and HIV/AIDS

- HIV prevalence was approximately 16% among teenage girls (15–19 years) in rural Zimbabwe whose last partner was less than five years older than themselves, but among girls with partners 10 or more years older, HIV prevalence was twice as high (Gregson et al., 2002).
- Among sexually active girls aged 15–19 years in the cities of Kisumu (Kenya) and Ndola (Zambia), a multicentre study reported that HIV-infection levels were 10% higher for married than for sexually active unmarried girls (Glynn et al., 2001). In rural Uganda, among HIV-infected women aged 15–19 years, 88% of the girls were married (Kelly et al., 2003).
- A study in Kigali, Rwanda, among women in stable relationships showed that HIV-positive women were more likely to have experienced a history of physical and sexual violence at the hand of male partners than were women without HIV (Van der Straten et al., 1998).
- In Burkina Faso, HIV levels among pregnant women were highest among women who only attended primary school or who failed to complete secondary school (at 2.9% and 2.6%, respectively). Prevalence was lowest among women who completed secondary school (1.6%) or who never attended school (1.9%)



Why are Women Vulnerable?

1. Cultural and societal factors

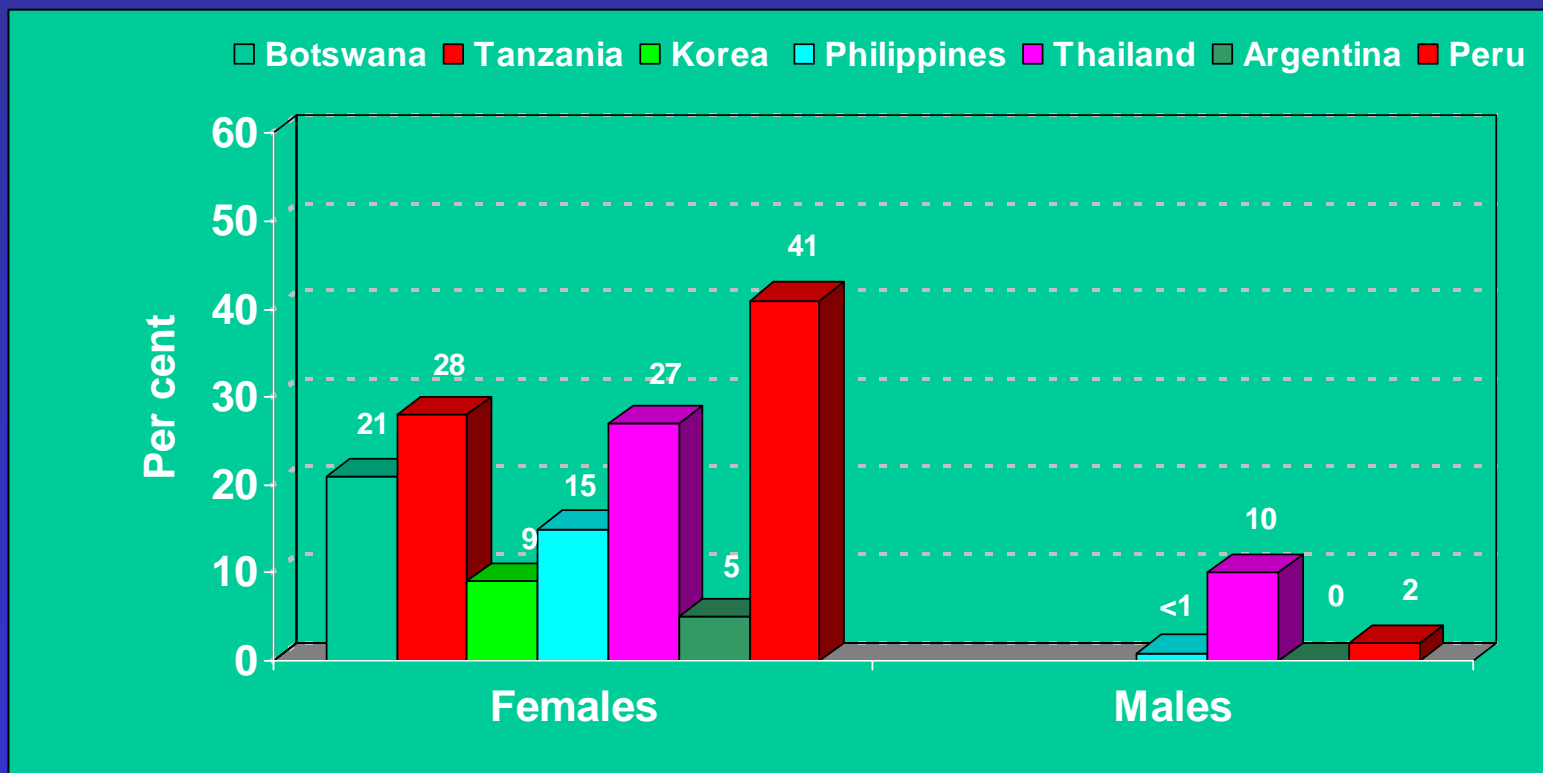
- gender inequities
- limited opportunities
- economic dependence on men
- imbalance in sexual relationships

2. Biological factors

- vaginal membranes allow more exposure
- cervical ectopy facilitates acquisition



% of young people reporting a coercive sexual experience



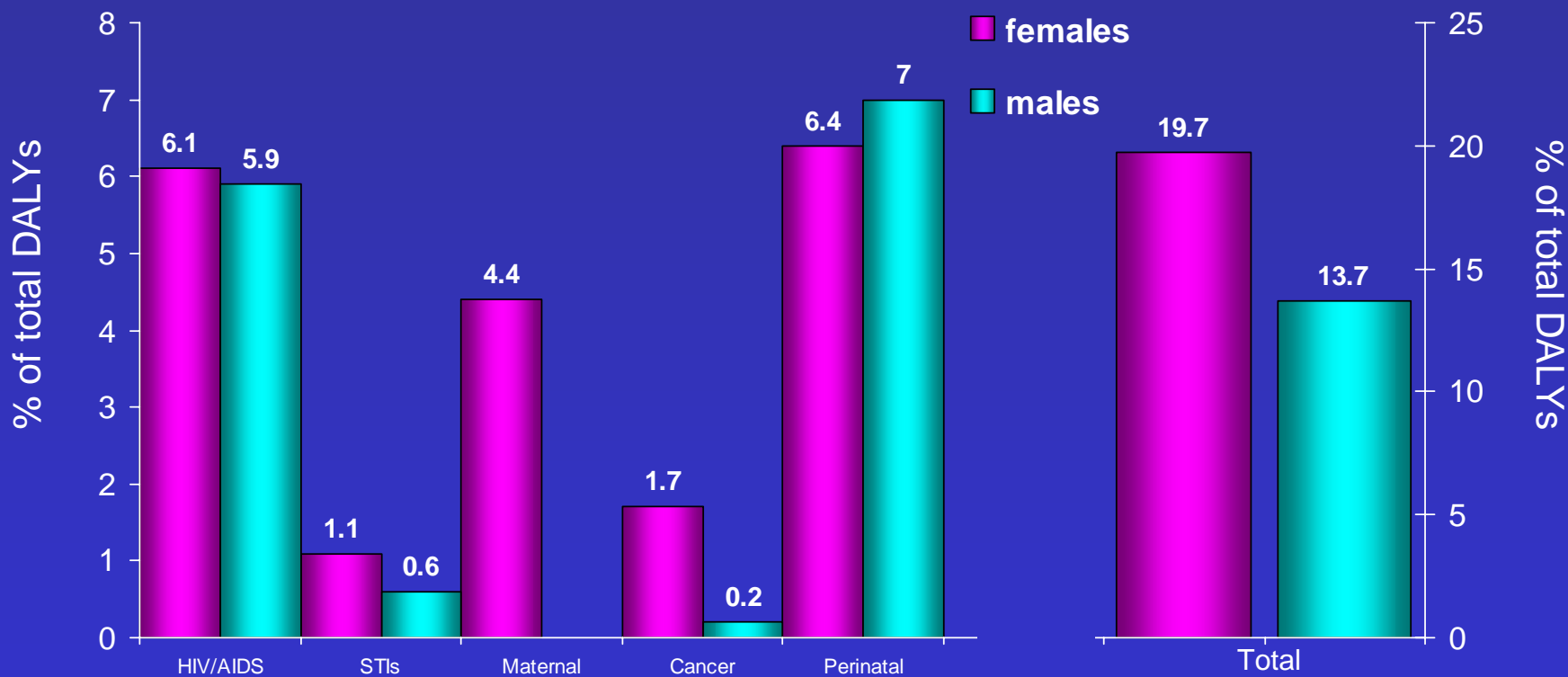


A gender perspective involves:

- Looking at sex/gender disaggregated data
- Trying to interpret the meaning of differences (gender analysis)
- Taking the differences into account in planning research or programme interventions (gender sensitive)



Reproductive ill-health accounts for substantial proportion of global burden of disease, 2001



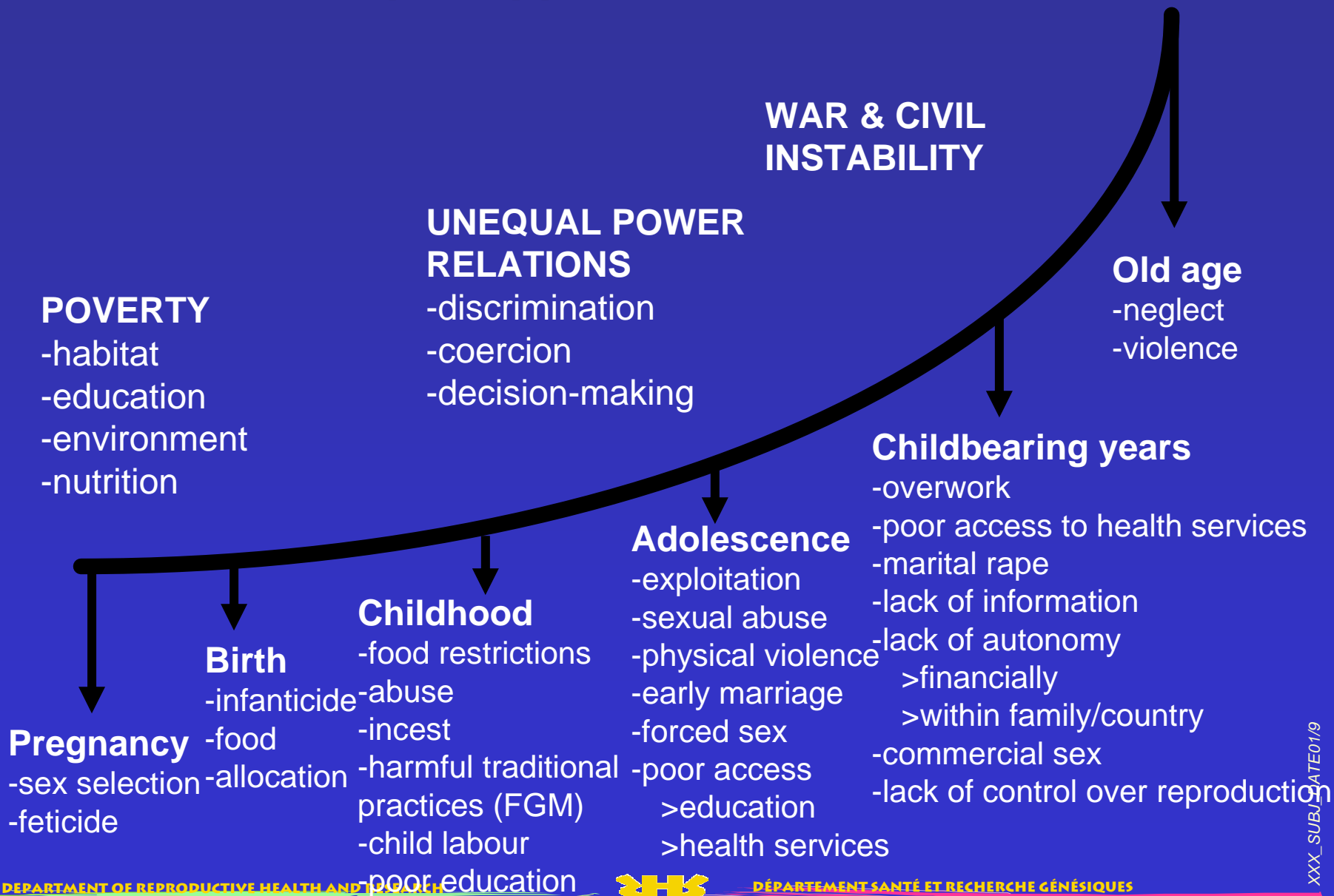
(Source: World Health Report, 2002)



The life span approach to women's health

Environmental factors

Women's life span





Determinants of women's health

- Biological characteristics
- Age/place in the life cycle
- Health related behaviour
- Economic status
- Educational attainment
- Political participation
- Public Policy
- Social-cultural-religious traditions of a women's community
- Recognition of human rights of women





International Consensus Documents

- Vienna Declaration and Programme of Action (1993)
- ICPD programme of action (1994)
- Platform of Action, Beijing (1995)



International Human Rights Treaties

- International Covenant on Economic, Social, and Cultural Rights (1966)
- International Covenant on Civil and Political Rights (1966)
- International Convention on the Elimination of All Forms of Racial Discrimination (1966)
- Convention on the Elimination of All Forms of Discrimination Against Women (1979)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- Convention on the Rights of the Child (1989)
- International Convention on the Protection of the Rights of All Migrant Workers and Their Families (1990)



Human Rights

- the right to life and survival
- the right to liberty and security of the person
- the right to be free from inhuman and degrading treatment
- the right to non-discrimination
- the right to health
- the right to information and benefit from scientific progress
- the right to private and family life
- the right to privacy and confidentiality
- the right to decide the number and spacing of one's children
- the right to marry and to found a family
- the right to maternity protection
- the right to education
- the right to freedom of thought, conscience and



Human Rights

- Are guaranteed by international, regional, constitutional standards
- Are legally protected
- Protect individuals and groups
- Obligate states and state actors
- Cannot be waived or taken away
- Are interdependent and interrelated
- Are universal



Governments have a legal obligation to

- **Respect** rights - requires States parties to refrain from obstructing action taken by women in pursuit of their health goals. (third party authorization)
- **Protect** rights -The obligation to protect rights relating to women's health requires States parties, their agents and officials to take action to prevent and impose sanctions for violations of rights by private persons and organizations. (FGM, domestic violence legislation, etc)
- **Fulfil** rights -to take appropriate legislative, judicial, administrative, budgetary, economic and other measures to the maximum extent of their available resources to ensure that women realize their rights to health care



Case study

An adolescent girl seeking sexual and reproductive health care

Miss. B, an unmarried 15 years- old young women, has come to Dr. CD's office and asks for contraceptive care. She explains that for several months she has been sexually active with a young man a few years older than she is whom she intends to marry, but the social circumstances of both of them preclude marriage before two years' time. A pregnancy would be socially disastrous in her situation. Her family knows about her relationship with the young man, but not its sexual nature. When asked, she replies that she believes that her boyfriend had sexual experience with other girls before they met, but that she is confident that she is now his only sexual partner. What are Dr. CD's responsibilities, given medical, ethical, legal and human right considerations?

Rebecca J. Cook, Bernard M. Dickens and Mahmoud F. Fathalla; Reproductive Health and Human Rights. Integrating Medicine, Ethics, and Law. Oxford University Press. 2003. P. 276



Case study: adolescents girl

- **Medical aspects**
- **Ethical aspects**
- **Legal aspects**
- **Human rights aspects**
 - Identification of rights
 - Clinical duty
 - Health care system obligations
 - Social actions for underlying conditions



Case study: adolescents girl

Medical aspects

- Sexuality
- STIs
- Contraception in adolescents
- Adolescents pregnancy
 - Complications of pregnancy and childbirth
 - Unsafe abortion
 - Mental health



Case study: adolescents girl *Ethical aspects*

- **Autonomy – paternalism**
- **Vulnerability to exploitation or abuse**
- **Disclosure of information**
- **Information, informed consent**



Case study: adolescents girl *Legal Aspects*

- Mature minors (understand the risks and consequences)
- Emancipated minors (married, pregnant, members of armed forces)
- Best interest of the child, evolving capacity
- Legally effective consent without parental authorization
- Confidentiality
- Consensual sexual intercourse with adolescents below 16: criminal offence (statutory rape)
- Providers are no parties to any offence (providing counseling to adolescents)
- Age of marriage



Case study: adolescents girl *Human rights perspectives*

- Right to health Right to non discrimination
- Right to decide the number and spacing one's children
- Right to life and survival
- Right to information, informed consent
- Right to privacy
- Right to confidentiality
- Right to education



Right to health, Information, non-discrimination

- **CRC**
Article 24(1) guarantees right to highest standard of health
Article 13: right to receive and impart information of all kinds
- **CESCR**
Article 12 and 12 2 (a): protects right to the highest attainable standard of physical and mental health and requires SP to take necessary steps to reduce the stillbirth rate and infant mortality rate and to provide for the healthy development of the child.
- **CEDAW**
Article 12: “take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure....access to health care services, including those related to family planning.”



Information, counseling, services

ICPD PA:

meet the special needs of adolescents through establishing programmes to respond to those needs

**Including education and counseling of adolescents in
gender relations and equality**

violence

responsible sexual behaviour

responsible family planning practice

family life

reproductive health

STDs

HIV infection and AIDS prevention

Sexually active adolescents will require special family planning information, counselling and services

(Para 7.47)



Confidentiality and Privacy

- ***CESCR General Comment 14***

“...the realization of the right to health of adolescents is dependent on the development of youth-friendly health care, which respects confidentiality and privacy and includes appropriate sexual and reproductive health services” (para 23)

- **CRC GC on Adolescent Health**

- that adolescents have access to health information
- that they have opportunities to participate in decisions affecting their health --through informed consent and right to confidentiality.



Parental Consent and Evolving Capacity

CRC Article 5

- “States Parties shall respect the responsibilities, **rights and duties of parents**...to provide, in a manner consistent with the **evolving capacities of the child**, appropriate direction and guidance in the exercise by the child of the rights recognized by the present Convention.”

Article 12

- “...assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child given due weight in accordance with the age and maturity of the child.”



Anti-Discrimination

- Sex
- Age (“other status”)
- Marital Status (“other status”)



Anti-Discrimination

HRC

- recognizes girl greater vulnerability to discrimination
- asks that states ensure that girls and boys are treated equally in health care

CEDAW

prohibits age discrimination, particularly with respect to access to family planning information and services

- including discrimination based on marital status

CRC

- adolescents who are denied access to reproductive health services, including contraception, suffer discrimination on the basis of their age, which impairs their ability to exercise other rights



Case study

Treating a woman with incomplete abortion

Mrs. A, the 25 -year-old mother of two children, is brought into the hospital emergency room suffering from bleeding from the vagina. On examination, she is diagnosed as having incomplete abortion. On questioning, Mrs. A stated that the pregnancy was not wanted, but she did not admit that the abortion was induced. Abortion is legally restricted in the country to conditions in which the life of the woman is endangered. DR. XY is brought in to care for Mrs A. How may Dr. XY provide care , in accordance with medical, ethical an human rights considerations?

Rebecca J. Cook, Bernard M. Dickens and Mahmoud F. Fathalla;Reproductive Health and Human Rights. Integrating Medicine, Ethics, and Law. Oxford University Press. 2003. P. 372



Case study: post abortion care

- **Medical aspects**
- **Ethical aspects**
- **Legal aspects**
- **Human rights aspects**
 - Identification of rights
 - Clinical duty
 - Health care system obligations
 - Social actions for underlying conditions



Case study

Treating a woman with incomplete abortion

Medical aspects

- Spontaneous, induced abortion
- Hemorrhage
- Sepsis
- Death



Case study

Treating a woman with incomplete abortion

Ethical aspects

- beneficence
- non-maleficence
- dignity
- privacy, confidentiality



Case study

Treating a woman with incomplete abortion

Legal aspects

- Abortion law v. management of complications of abortion
- Standard duty of care (emergency)
- No right to conscientious objection (refusal of treatment: professional misconduct, liability for negligence)



Case study

Treating a woman with incomplete abortion *Human rights aspects*

- Right to life and security
- Right to be free from torture and inhuman and degrading treatment
- Right to the highest attainable standard of care
- Right to non discrimination on grounds of sex
- Right to confidentiality and privacy



Case study

Treating a woman with incomplete abortion *International Jurisprudence*

- CAT: eliminate the practice of extracting confessions for prosecution purposes from women seeking emergency medical care as a result of illegal abortion
(Chile, Concluding Observations, CAT, 2004)