

The Human Right to Reproductive Health

The People's Movement for Human Rights Education

Human Rights & Reproductive Health | Governments' Obligations | Governments' Commitments

What is the Human Right to Reproductive Health?

The issues raised in Beijing and Cairo regarding women's reproductive health and sexuality are human rights issues. Reinforcing them are universal human rights standards defined in the Universal Declaration of Human Rights, CEDAW, the International Covenant on Economic, Social and Cultural Rights, and other widely adhered to international human rights treaties and Declarations -- powerful tools that must be put to use to enhance efforts for the advancement of women's reproductive and sexual health.

The Human Rights at Issue

The reproductive and sexual human rights of all women include:

- The human right to the highest attainable standard of physical and mental health, including reproductive and sexual health.
- The human right to equality in marriage, including the equal right of women and men to decide on the number and spacing of children.
- The human right to access to education and information, in particular relating to family planning to enable couples and individuals to exercise their right to decide freely and responsibly all matters of reproduction and sexuality.
- The human right to access to adequate social services, including access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth.
- The human right to privacy.
- The human right to freedom from discrimination and discriminatory social practices, including female genital mutilation, prenatal gender selection, and female infanticide.
- The human right to freedom from coercion and violence, sexual exploitation, forced prostitution.

These human rights are inextricably linked to other fundamental human rights guaranteed to all women, rights that are universal, indivisible, interconnected and interdependent, including:

- The human right to equality between men and women and to full and equal partnership in the family and society.
- The human right to full respect for the inherent dignity of the person.
- The human right to full and equal participation in all aspects of public life and decision-making.
- The human right to an adequate standard of living.

Governments' Obligations to Ensuring the Human Right to Reproductive Health

What provisions of human rights law guarantee all women the Human Right to Reproductive Health?

Includes excerpts from the [Convention on the Elimination of All Forms of Discrimination Against Women](#), the [Universal Declaration of Human Rights](#), the [International Covenant on Economic, Social and Cultural Rights](#), the [International Covenant on Civil and Political Rights](#), and the [Convention on the Rights of the Child](#).

"States Parties shall take all appropriate measures ... to modify the social and cultural patterns of conduct of men and women, ... to achieve... the elimination of prejudices and customary ... practices which are based on the idea of ... inferiority or ... superiority of either of the sexes or on stereotyped roles for men and women; to ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children.... States Parties shall ... suppress all forms of traffic in women and exploitation of prostitution of women...."

-- [Convention on the Elimination of All Forms of Discrimination Against Women](#), Articles 5 and 6

"States Parties shall ... ensure to [women] ... access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.... States Parties shall take appropriate measures ... to introduce maternity leave with pay or ... comparable social benefits without loss of former employment, seniority or social allowances.... States Parties shall ... 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....; ensure ... appropriate services in connection with pregnancy ... granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.... States Parties shall ... ensure ... that [women in rural areas] ... have access to adequate health care facilities, including information counselling and services in family planning...."

-- [Convention on the Elimination of All Forms of Discrimination Against Women](#), Articles 10, 11, 12, and 14

"Men and women ... are entitled to equal rights as to marriage, during marriage and at its dissolution.... Everyone has the right to a standard of living adequate for health and well-being.... Motherhood and childhood are entitled to special care and assistance...."

-- [Universal Declaration of Human Rights](#), Articles 16 and 25

"The States Parties ... recognize that ... the widest possible protection and assistance should be accorded to the family.... Marriage must be entered into with the free consent of the intending spouses. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.... The States Parties ... recognize the right of everyone ... to the highest attainable standard of physical and mental health."

--[International Covenant on Economic, Social and Cultural Rights](#), Articles 10 and 12

"... States Parties ... undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights.... No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.... No one shall be held in slavery.... No one shall be subjected to ... interference with his privacy.... The family ... is entitled to protection by society and the State.... No marriage shall be entered into without the free and full consent of the intending spouses. States Parties ... shall ... ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution...."

--[International Covenant on Civil and Political Rights](#), Articles 3, 7, 8, 17, and 23

"States Parties shall take measures to combat the illicit transfer and non-return of children abroad.... States Parties shall take all appropriate ... measures to protect the child from all forms of physical or mental violence, injury or abuse, ... maltreatment or exploitation including sexual abuse.... States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health shall take ... measures ... to ensure appropriate pre-and post-natal health care for expectant mothers.... States

Parties shall take all ... measures with a view to abolishing traditional practices prejudicial to the health of children.... States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.... shall take all appropriate ... measures to prevent the abduction, the sale of or traffic in children...."

--[Convention on the Rights of the Child](#), Articles 11, 19, 24, 34, and 35

Governments' Commitments to Ensuring the Human Right to Reproductive Health:

What commitments have governments made to ensuring the realization of the Human Right to Reproductive Health?

Includes commitments made at the [International Conference on Population and Development](#) in Cairo, and the [World Conference on Human Rights](#) in Vienna.

"The explicit recognition ... of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment.... We are determined to ... ensure equal access to and equal treatment of women and men in ... health care and enhance women's sexual and reproductive health as well as education."

-- [Beijing Declaration](#), paras. 17 and 30

"Reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. 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. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility ... and the right of access to appropriate health-care services...."

-- [Beijing Platform for Action](#), para. 94

"The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights.... Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice ... are incompatible with the dignity and worth of the human person, and must be eliminated."

--[Vienna Declaration](#), Part I, para. 18

"Everyone has the right to the enjoyment of the highest attainable standard of physical and mental health. States should ... ensure, on a basis of equality of men and women, universal access to health-care services, including those related to reproductive health care, which includes family planning and sexual health. Reproductive health-care programmes should provide the widest range of services without any form of coercion. All couples and individuals have the basic right to decide freely and responsibly the number and spacing of their children and to have the information, education and means to do so."

-- [Cairo Programme of Action](#), Principle 8

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