

# Women's human rights to safe motherhood and sexual & reproductive health

***Dr. Heli Bathija***

Area Manager for the African and Eastern  
Mediterranean Regions,

Department of Reproductive Health and Research,  
World Health Organization (WHO)

Rome, 22 June 2009

(inspired by presentation of Jane Cottingham)



# Wait a minute!

**Do you want to know what happened during this minute?**

- How many women died of childbirth?
- How many girls underwent female genital mutilation?
- How many women had an abortion?
- How many were raped?
- How many developed a fistula?
- How many lost their newborn child?
- How many contracted an STI?



# Why?

- Ignorance?
- Lack of education?
- Traditions?
- Discrimination?
- Poverty?
- Medical negligence?
- **Violation of human rights?!**



## Story from internet

Yogita, 27, was eight months pregnant when she was admitted to hospital after she complained of stomach pain. Later, the doctor performed a caesarean section on her. The child died during the operation and Yogita's condition too deteriorated, after which she was referred to another hospital, where she died next day.

The husband alleged that she died due to negligence on the part of the doctor. The police have registered a case of accidental death.

<http://www.expressindia.com/latest-news/woman-dies-during-childbirth-husband-alleges-negligence-by-doc/373335/>



# Why?

- Ignorance?
- Lack of education?
- Traditions?
- Poverty?
- Discrimination?
- Medical negligence?
- **Violation of human rights?!**



# MDG 5: Reduction of Maternal Mortality

- Why slowest progress?
- Why least funding?



# Why?

- Ignorance?
- Lack of education?
- Traditions?
- Poverty?
- Discrimination?
- Medical negligence?
- **Violation of human rights?!**



# What are human rights?

- The rights people are entitled to simply because they are human beings, irrespective of their sex, age, race, citizenship, nationality...
- Human rights become enforceable when they are codified in international treaties, national constitutions and laws.



# Sources of human rights

- **UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948)**
- **International Covenant on Civil and Political Rights (1966)**
- **International Covenant on Economic, Social and Cultural Rights (1966)**
- **International Convention on the Elimination of All Forms of Racial Discrimination (1965)**
- **Convention on the Elimination of All Forms of Discrimination Against Women (1978)**
- **International Convention Against Torture (1984)**
- **Convention on the Rights of the Child (1989)**
- **International Convention on the Rights of All Migrant Workers and their Families (2004)**
  
- **Regional treaties e.g. American Convention on Human Rights (1978); African Charter on Human and Peoples' Rights (1999)**
- **National constitutions**
- **National laws**
- **International consensus documents - ICPD and Beijing**



# Obligations of governments

- **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 (e.g. men who beat and abuse women)
- **Fulfil** rights: take appropriate governmental measures toward the full realisation of rights e.g. allocating resources for and setting in place quality health services



# Human rights related to sexual and reproductive health

- **Right to decide** freely and responsibly the number, spacing and timing of their children
- **Right to make decisions** concerning sexuality and reproduction free of discrimination, coercion and violence
- **Right to be informed** and have access to safe, effective, affordable and acceptable methods of family planning and other methods for regulation of fertility
- **Right to go safely through pregnancy** and childbirth and have the best chance of having a healthy infant.



# Human rights related to sexual and reproductive health

- Right to Life, survival and security
  - A woman should be able to go through pregnancy safely
- Right to health
  - Health facilities should be available, accessible, acceptable and of good quality
- Right to education and information
  - Women and men must receive and be able to understand information on e.g. medical practices, danger signs of pregnancy, family planning etc.



# Usages of human rights

- Provide remedies for those who suffer violations
- Support advocacy
- Analysis of government performance
- As a framework for policy and programme development - a “rights-based approach”



## What is a “rights-based” approach?

- An approach to development that is based on the **norms and standards** contained in international human rights treaties and declarations (and their interpretation)
- An approach that integrates the **principles** of the international human rights system into the **plans, policies and processes** of development
- Directed to promoting and protecting human rights



# A rights-based approach: human rights principles

- Non-discrimination and equality
  - attention to equity, vulnerable groups e.g. **resources available to rural areas, poor people, adolescents**
- Participation
  - Involvement of communities, civil society, minorities, indigenous peoples, women, young people
- Accountability
  - Duty-bearers - **government, private sector, spouses, donors, international agencies**. Achievements must be measured by benchmarks



# Levels of application in a rights-based approach to SRH

- **Laws and policies**
  - E.g. Formal recognition of midwives; appropriate minimum age of marriage for young women (and young men); resource allocation for BEOC
- **What services are offered**
  - Full range of reproductive health services, including safe abortion, STI diagnosis and treatment, screening for cervical cancer
- **How services are offered**
  - Provider-client interaction: respect, protection of confidentiality, privacy, informed decision-making;
  - No discrimination on basis of social class, health or marital status, age, etc.



# What is the value of rights-based approaches?

“Rights-based approaches bring the promise of more effective, more sustainable, more rational and more genuine development processes.”

*Ms Mary Robinson,  
High Commissioner for Human Rights,  
UN Special Session on Social Development  
June 2000*



# What is the impact of rights-based approaches?

**WHO : *Using human rights for maternal and neonatal health: a tool for strengthening laws, policies and standards of care.***

- Between 2005 and 2007, the tool was field-tested in Brazil, Indonesia and Mozambique.
- identified a number of legal and policy barriers, for example, inconsistencies between national laws and international, regional or national human rights standards, lack of data, lack of clear policies and standards, and inconsistency among policies.
- Key recommendations from the field tests have been implemented in all three countries.

# What is the impact of rights-based approaches?

***The Human Rights Council on 17 June 2009, adopted a landmark resolution on 'Preventable maternal mortality and morbidity and human rights': governments express grave concern for the unacceptably high rates of maternal mortality and morbidity, acknowledge that this is a human rights issue and commit to enhance their efforts at the national and international level to protect the lives of women and girls worldwide.***



# What can the parliamentarians do?

## *Finland*

**1906** Finland becomes the first country in Europe to grant women the right to vote and the first country in the world to grant women the right to be electoral candidates, The pioneer female representatives of the first parliament made legislative initiatives about maternity support and maternity leave.

**2006** MMR is 5/100 000 LB, one of the lowest in the world

## *Italy*

**9 June 2009** The Italian Parliament has unanimously adopted a parliamentary resolution on, which aims at saving the lives of mothers and children in the countries with highest burden, by committing increased official development assistance (ODA) by its Government for maternal, newborn and child health



# What can we do to keep them smiling?

