

# BEIJING + 15

No Equality Without Full Enjoyment of Women's Sexual and Reproductive Rights

CENTER  
FOR  
REPRODUCTIVE  
RIGHTS

In 1995, representatives of 189 governments and more than 2,100 non-governmental organizations attended the **Fourth World Conference on Women held in Beijing**, where the international community reaffirmed and built upon the commitments set forth within the **International Conference on Population and Development (ICPD) Programme of Action (POA)**, and launched an even broader legal and political agenda to achieve gender equality.

The **Center for Reproductive Rights** (the **Center**) commemorates the 15-year anniversary of the Beijing Conference, which produced the ground-breaking **Beijing Platform for Action (PFA)**, a document widely regarded as the most comprehensive articulation of international commitments related to women's human rights. The PFA established a new global agenda for women's empowerment that placed an emphasis on gender equality and women's human rights.

The **Beijing PFA**, together with the ICPD POA, marked a paradigmatic shift in which the international community recognized that human rights, including sexual and reproductive rights, must be at the core of efforts to advance development and achieve gender equality. In the 15 years since the **PFA's** inception, advocates have been working to ensure that sexual and reproductive rights are clearly articulated and effectively implemented.

## THE BEIJING PFA AND SEXUAL AND REPRODUCTIVE RIGHTS

The **Beijing PFA** gives special attention to various topics related to women's sexual and reproductive rights, including access to family planning, safe and legal abortion and maternal health, that are essential to achieving gender equality. The UN Treaty Monitoring Bodies (TMBs) have recognized that access to these essential reproductive health services is rooted in international human rights obligations. As a document firmly grounded in international human rights obligations, the **Beijing PFA** provides a strong basis for requiring targeted state action and imposing accountability for such rights violations.

### Family Planning

The **Beijing PFA** grants men and women the right "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 which are not against the law" (PFA, Para. 94). This reaffirms a right to access all

## Every year,

maternal mortality claims **536,000** women's lives. **99%** of these deaths occur in developing countries.†

## 5 million women

are hospitalized each year for treatment of abortion-related complications.

## Worldwide,

**48%** of all induced abortions are unsafe. More than **95%** of abortions in Africa and Latin America are performed under unsafe circumstances.\*

## 215 million

women in the developing world have an unmet need for modern contraceptives. In the least developed countries, the rate of unmet need for contraception is as high as **25%.\***

Stat Sources:

† *The Millennium Development Goals Report 2009*

\* *Guttmacher Institute, Facts on Induced Abortion Worldwide, October 2009*

# MILLENNIUM DEVELOPMENT GOALS AND THE BEIJING PFA

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The Millennium Development Goals (MDGs), like the Beijing PFA, are firmly grounded in human rights obligations. The development agenda set forth in the MDGs incorporates sexual and reproductive rights as conceived within the Beijing PFA and other international documents.

Although the MDGs do not reflect the breadth of the Beijing PFA, at least two of the eight MDGs are gender specific. Goal 3 calls for promotion of gender equality and empowerment of women, while Goal 5 requires improvements in maternal health. Furthermore, in 2005, a new target was added to Goal 5 – “Achieve, by 2015, universal access to reproductive health.”

It is clear that there is a need to better identify the connections between the Beijing PFA and the MDGs and to recognize that they can be instrumental in advancing government compliance with broader human rights obligations.

forms of contraception, including emergency contraception, as well as the right to information and counseling.

A woman’s right to access contraceptive methods has been recognized by TMBs. Lack of access to family planning is generally understood as a violation of the right to health. The Human Rights Committee and the Committee on the Elimination of Discrimination against Women (CEDAW) also categorize the lack of access to contraceptives as a form of discrimination against women. For instance, the CEDAW Committee, in its 2006 Concluding Observations to the Philippines, expressed concern about:

*“[T]he inadequate recognition and protection of the reproductive health and rights of women in the Philippines. The Committee is concerned at the high maternal mortality rates, particularly the number of deaths resulting from induced abortions, high fertility rates, inadequate family planning services, the low rates of contraceptive use and the difficulties of obtaining contraceptives. It is also concerned about the lack of sex education, especially in rural areas. It is concerned at the high rate of teenage pregnancies, which present a significant obstacle to girls’ educational opportunities and economic empowerment.”*

## Abortion

The Beijing PFA highlighted the impact of unsafe abortion on women’s lives and health and the need to reduce recourse to abortion through expanded family planning services. It urges governments to review punitive measures against women who have undergone illegal abortions and calls for women’s access to quality post-abortion care. In turn, over the last decade, human rights bodies and regional and national courts have increasingly recognized that restrictions on access to safe and legal abortion interfere with women’s enjoyment of their human rights. For example, in its 2008 review of Kenya, the Committee on Economic, Social and Cultural Rights recommended that the State:

*“[E]nsure affordable access for everyone, including adolescents, to comprehensive family planning services, contraceptives and safe abortion services, especially in rural and deprived urban areas, by eliminating formal and informal user fees for public and private family planning services, adequately funding the free distribution of contraceptives, raising public awareness and strengthening school education on sexual and reproductive health, and decriminalizing abortion in certain situations, including rape and incest.”*

## Maternal Mortality

The Beijing PFA acknowledges a woman’s right to reproductive healthcare services to ensure safe pregnancy and childbirth. Such services must be accessible, acceptable, available and of good quality. The Beijing PFA also recognizes that safe pregnancy and childbirth should not be a privilege of the rich, but

rather a basic right of all women. Since 1995, there has been increasing international recognition that high rates of maternal mortality constitute a violation of women's human rights. This is reflected in the June 2009 resolution of the UN Human Rights Council on "*Preventable Maternal Mortality, Morbidity and Human Rights.*" UN TMBs have also called upon governments to ensure women's access to maternal healthcare and to abolish social practices that negatively impact women's health. Nearly all of the TMBs have expressed concern regarding maternal health and recommended that States parties implement measures to improve it. For instance, in response to Ecuador's 2008 periodic report the CEDAW Committee expressed concern for:

*"[T]he high incidence of maternal mortality. The Committee notes with concern that the second leading cause of maternal mortality is abortion and is concerned that the magnitude of unsafe abortion in the country and its effects on maternal mortality are under recorded and unknown."*

## PROGRESS & DEVELOPMENTS

Targeted legal and advocacy strategies – including litigation, constitutional reform and advocacy before regional and international accountability mechanisms – can serve the dual purpose of shaping and defining international standards and holding governments accountable for violations of women's rights. For example, the **Center** has been involved in nearly 30 human rights cases and advocated before almost every TMB, as well as regional human rights bodies, to advance sexual and reproductive rights worldwide.

Such efforts by the **Center** and other women's human rights organizations have led to numerous positive legal developments that strengthen the international human rights framework supporting women's sexual and reproductive health and rights.

- **Colombia** amended its laws on abortion, expanding the grounds for the medical procedure and enhancing Colombian women's reproductive autonomy.
- In 2006, **Guatemala** adopted legislation to ensure universal access to all methods of family planning and requiring the government to promote contraception use and to provide sexuality education.
- In 2009, the **Nepali** Supreme Court ordered the government to guarantee women's access to safe and affordable abortion services, through a new comprehensive abortion law and a public fund to subsidize the cost of the procedure for women who cannot afford to pay.
- **Sri Lanka** has substantially reduced its maternal mortality ratio by extending health services, including maternal health care, through an extensive rural health network, systematizing the use of health data and focusing on improved quality of care for its most vulnerable groups.
- In 2005, **Ethiopia** expanded its abortion law to permit these procedures in cases of rape, incest or fetal impairment and in cases where a woman lacks the capacity to raise a child due to a physical or mental infirmity, or her status as a minor.

## RECOMMENDATIONS

Fifteen years after the **Beijing PFA** was adopted, there is still a large gap between state commitments and the achievements made in terms of women's sexual and reproductive rights. The **Center** thus calls upon national governments, activists, civil society, international and regional human rights bodies, and international donors to take the following steps toward realization of women's human rights as set forth in the **Beijing PFA**:

### To Governments Worldwide

- Continue to promote the mainstreaming of a gender perspective within program and policy development, and within legislative processes.
- Develop and strengthen the role of institutional mechanisms to advance women's human rights and gender equality, including through expansion of national accountability mechanisms and the collection and distribution of gender-disaggregated data.
- Reform laws that discriminate against women or impede women's ability to exercise their sexual and reproductive health and rights.
- Continue to harmonize national laws addressing sexual and reproductive health and rights with evolving international standards and norms.
- Ratify international human rights treaties as a means to promote and safeguard women's sexual and reproductive health.
- Report to TMBs regarding compliance with human rights obligations that relate to women's sexual and reproductive health and rights, including by providing disaggregated data and information on the impact of the policies and programs developed.
- Take concrete actions to implement the Concluding Observations, Recommendations and decisions of the international and regional human rights mechanisms.

### To Activists and Civil Society Organizations

- Heighten advocacy efforts aimed at advancing women's sexual and reproductive rights by: bringing cases before national and international courts, submitting shadow letters and individual communications to UN TMBs, and engaging with the Universal Periodic Review process of the Human Rights Council.

### To International Human Rights Bodies

- Enhance and continue the monitoring of states' compliance with international human rights obligations in the area of sexual and reproductive health, including by examining the following concerns: access to safe and legal abortion, maternal mortality, access to family planning services and evidence-based sexuality education, and the reproductive rights of women living with HIV.

### To the International Donor Community

- Fund national programs that enable governments to meet their international human rights obligations on sexual and reproductive rights. Do not place conditions on funds that hinder governments' compliance with human rights norms.
- Allocate funding for human rights accountability mechanisms and strategies as an essential part of development packages.