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Applying Human Rights to Sexual and Reproductive Health - a Reality for All?

Addressing the Protection Gaps

The geo-politics of sexual and reproductive rights at the United Nations

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Working to advance Sexual and Reproductive Health Rights at the United Nations. Analysing what needs to be done to address the protection gaps that arise due to siloed approaches taken by states, and how civil society can and does play a key role in securing SRHR advances.



Stuart Halford during his presentation (Photo: aidsfocus.ch)

The Sexual Rights Initiative (SRI) is a coalition of organizations from Canada, Poland, Egypt, India, Argentina, and South Africa, that work to advance human rights related to sexuality, gender and reproduction by using the different human rights mechanisms at the United Nations (UN).

The Human Rights Council

The Human Rights Council (HRC) is an inter-governmental body within the UN system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and making recommendations on them.

One of the ways states work to advance human rights is through the HRC's three regular sessions each year in which, amongst other things, it debates a large number of resolutions on a variety of country and thematic issues. Resolutions inform and guide policy development at the national level. A strong resolution at the global level can be a useful tool for making the requisite advances at the national level.

There are a number of resolutions negotiated at the HRC that are related to sexual and reproductive health and rights (SRHR). A few of the resolutions contain progressive text related to SRHR, such as Preventable Maternal Mortality and Morbidity (MMM), Violence Against Women (VAW), etc.; while others, contain regressive texts: Traditional Values and Protection of the Family.

In these texts, one can see great strides being taken in the advancement of SRHR while also seeing the backlash that follows. For example, in the VAW resolution, Comprehensive Sexuality Education and Intimate Partner Violence were mentioned for the first time ever in a UN document while the Protection of the Family went through in June 2016 with even greater support than before.

We cannot ignore the protection gaps

While it is good to try to reinforce the advancement of SRHR through resolutions that focus on a single SRHR issue, and there may even be a few more single-focus SRHR issues that the SRI would want states to advance via resolutions, it is important to begin working on the protection gaps individually.

Protection gaps are issues relating to SRHR that get backgrounded because of the foregrounding of other issues. For example, the issues that get a lot of focus—Child Early Forced Marriage (CEFM) and Sexual Orientation and Gender Identity and so on—which create the headlines - do so at the expense of other core SRHR issues that get little or no attention. These SRHR protection gaps include issues that many states see as contentious, but which are crucial in addressing SRHR holistically and comprehensively; for example, access to

abortion, adolescent sexuality activity, the human rights of sex workers, etc. The SRI tries to ensure that language relating to these gaps are included in relevant resolutions in order to advance SRHR holistically and from an intersectional perspective.

Abortion should be integrated into relevant resolutions

So while, for example, it would not be strategic to push for a resolution focusing exclusively on abortion, as clearly the political dynamics and the continued politicization of SRHR would mean that it would fail, and in doing so push the work backwards – resolutions need to include references to these gaps to create the drive for continued work around these issues. So for example, we would always try to push for access to abortion language in the Maternal Mortality and Morbidity resolution.

For the SRI, it is important to address these gaps in existing resolutions - ensuring reference to them in the texts, but also in other mechanisms, such as the Universal Periodic Review (UPR) process, where these gaps are glaringly apparent, as well as in other aspects of the HRC agenda, such as the Annual Days of Discussion, panels on HIV, NGO Oral statements and written submissions, etc.

Political backlash is common around SRHR

Regional politics also play a huge role in what aspects of SRHR are advanced and which are not. SRHR is often seen by states as a soft issue, and because they are deemed soft, it means that it is easier for these issues to be deprioritized, or have language traded off when support is required on other resolutions, which seem more important to a state.

The political backlash, previously mentioned, uses SRHR as a means by which to convey disagreement on a number of other issues, that some would say are more deeply rooted in fundamental human rights, such as the death penalty, the perennial debate around progressive realization vs immediate effect and so on, all of which states from different regions have markedly different views.

Similarly, the excuse that some states use, that so-called “Global North” states are trying to impose their values on countries from the so-called “Global South” is clearly unhelpful. In reality there are a wide variety of views on different aspects of SRHR within each region. Many countries prefer to negotiate on resolutions using BLOC positions – partly due to the lack of capacity of smaller missions. The Council also throws up some strange “bedfellows” when it comes to informal BLOCS. For example, the Holy See aligning with Russia, Iran, El Salvador and so on, when it comes to negotiating positions on SRHR.

But clearly Bloc positions cannot be taken as read. For example, the EU is always falsely represented as a champion of SRHR, and that may be true for a gradually decreasing number of states within the EU. But then there are states like Poland, Malta, Hungary, among others, that refuse to accept language on anything that relates to abortion. Yet, these countries have progressive stances on sexual orientation and transgender rights issues. In Europe, in this

instance, the reproductive aspects of sexual rights are an obstacle to the advancement of SRHR holistically. And this is crucial, especially when more often than not, the EU negotiates together as a bloc, and doesn't like to split, though occasionally it has to on SRHR.

And in parts of Africa, there are many issues related to sexual rights, such as Sexual Orientation and Gender Identity (SOGI), that cannot be discussed, yet on reproductive rights there is more consensus, and a willingness to make advances – as is highlighted by the Maputo Protocol. So here, conversely, the sexuality aspects of sexual rights are an obstacle to the advancement of SRHR holistically.



In the Working Group with Stuart Halford (Photo: aidsfocus.ch)

We cannot use a siloed approach to advance SRHR

The disadvantages of a siloed approach can be seen in many ways, including in relation to family planning and HIV. Governments use a siloed approach in order to deal with SRHR issues in a very sanitized way, indicating that governments do not want to discuss married girls' sexual health needs, that they do not see sexual orientation as linked to broader issues of sexuality – in other words they don't acknowledge gender norms and stereotypes as themselves problematic and leading to different forms of oppression, and which are frequently presented as distinct and separate, and Donor governments prioritizing their own pet issues, **without due consideration that focus will have in other parts of the world.**

In the end, 'easier to address' policies are foregrounded at the expense of more 'contentious' issues. The foregrounding of 'easier to address' policies (CEFM, MMM etc) at the expense of more 'contentious' issues often results in protection gaps surrounded by stigma, discrimination, and further marginalization.

We cannot ignore that all SRHR issues are interrelated

If advancements in human rights related to sexuality, gender and reproduction are to be made, there must be a recognition that all SRHR issues are interrelated: human rights violations on CEFM come from both a sexual rights and a reproductive rights perspective. Married girls are twice as likely to experience sexual violence and often this sexual violence is perfectly legal – in fact, 127 countries do not explicitly criminalize marital rape. Additionally, adolescent girls and young women often lack access to sexual and reproductive health information, commodities and services, including for contraception – separating sexual from reproductive rights, therefore, makes no sense.

In order to advance SRHR comprehensively, SRHR must be discussed holistically using an intersectional lens. There are of course other means to advance SRHR more comprehensively and holistically. One option is to consider the creation of a new mechanism – such as a Special Procedure or Working Group.

Civil society needs to be more proactive

To truly work towards enabling individuals to enjoy their rights to be free from discrimination, from violence, coercion and abuse, including CEFM, forced sterilization, and the criminalization of, and social sanctions on: abortion, sex work, same-sex sexual relations, HIV transmission, diverse and non-conforming expressions of gender, and consensual sexual activity among young people who have the ability to make these decisions, civil society needs to be more proactive about bringing these issues to the Council's attention.

The way forward

There needs to be an open and informed conversation about sexuality and gender. A means to do this is through the creation of a new, non-siloed, mechanism that brings the intersectional and inter-related nature of SRHR into the public discourse. There also needs to be systematic approaches to more ambitious issues – to ensure that they are tackled as part of a holistic or intersectional approach to SRHR, but without demanding that the intersectional frame be brought into it – in other words, working from an intersectional perspective without jeopardizing the specific issue focuses. But the protection gaps that can be created through single issue SRHR resolutions must still be highlighted.

The SRI's recommendations on how to make these advances include:

- Discussing the pros and cons of different mechanisms for advancing SRHR holistically
- Ensuring that the impact of Bloc politics at the UN does not ignore the evidence on these issues – so the de-politicization of SRHR is crucial
- Ensuring that diplomats from all regions are aware of the importance of SRHR, and are informed and educated on these matters
- Highlighting the politics of marginalization and the problems of siloing SRHR
- Creating more comprehensive engagement with the UN by civil society

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