

Reproductive Rights, Human Rights and the Role of Science

Panel Presentation at the AAAS Science and Human Rights Coalition

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July 15, 2011



WHEN DOES LIFE BEGIN?

AT THE
MOMENT
OF CONCEPTION.

AT BIRTH

WHEN YOU
GET YOUR
DRIVER'S LICENSE



Overview

- What are **Reproductive Rights**?
- Are **Reproductive Rights** Human Rights?
- How does **America** stack up?
- What is the role of **Science** in protecting reproductive rights?

What are reproductive rights?

- “Reproductive rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health.”

Int’l Conference on Population and Development 1994
(agreed upon by 179 countries)

**Why do reproductive rights
matter?**

**The ability of women to
participate equally in the
economic and social life of the
Nation has been facilitated by
their ability to control their
reproductive lives.**

Justice O'Connor, *Planned Parenthood v. Casey*

**Are reproductive rights human
rights?**

**Where do we look to
find human rights?**

Hard Law, Soft Law

International **Human Rights** Treaties

- **ICCPR** - International Covenant on Civil and Political Rights
- **ICESCR** - International Covenant on Economic, Social and Cultural Rights
- **CEDAW** - Convention on the Elimination of All Forms of Discrimination Against Women
- **CRC** - Convention on the Rights of the Child
- **CAT** - Convention Against Torture
- **CERD** - Convention on the Elimination of Racial Discrimination
- **CRDP** – Convention on the Rights of Disabled Persons

International Treaty- Monitoring Bodies

- Monitor Treaty Compliance
 - State Reports
 - Concluding Observations
 - NGO Shadow Letters
- Issue General Comments / Recommendations on Specific Treaty Provisions
- Authoritative Interpretation of Treaty (But Not Formally Binding)

Explicit Articulation

Explicit Articulation of Reproductive Rights

- **African Women's Rights Protocol (art. 14)**
- 1. States Parties shall ensure that the right to health of women, including sexual and **reproductive health** is respected and promoted.
- This includes:
 - a) the right to control their **fertility**;
 - b) the right to decide whether to have children, the **number** of children and the **spacing** of children;
 - c) the right to choose any method of **contraception**...
 - g) the right to have **family planning education**.
- 2. States Parties shall take all appropriate measures to:
 - c) protect the reproductive rights of women by authorising **medical abortion** in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus.

Explicit Articulation of Reproductive Rights

- CEDAW Article 16(1)(e): States shall ensure, on a basis of equality of men and women...
- The same rights to decide freely and responsibly on the **number and spacing** of their children and to have access to the **information, education and means** to enable them to exercise these rights;

Explicit Articulation of Reproductive Rights

- Convention on the Rights of Persons with Disabilities, art. 25
- States shall... Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;

Implicit Articulation

- “Reproductive Rights embrace certain human rights that are **already recognized** in national laws, international human rights documents and other consensus documents.”

ICPD Programme of Action

Right to Health

Right to Health

- **UDHR**: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family including...**medical care**.”
- **CESCR**: States must recognize “the right of everyone to the enjoyment of the **highest attainable standard** of physical and mental health”
- **CEDAW**: States must “ensure, on a basis of equality of men and women, **access to health care services**, including those related to **family planning**.”

Right to Health

- **CESCR GC 14:** “The right to health is not to be understood as a right to be *healthy*. The right to health contains both freedoms and entitlements. The freedoms include the right to control one's health and body, including **sexual and reproductive freedom**, and the right to be free from interference, such as the right to be free from torture, non-consensual medical treatment and experimentation....
- Public health infrastructures should provide for **sexual and reproductive health services**, including safe motherhood, particularly in rural areas

Right to Health

- CEDAW General Recommendation on Women and Health:
- Obligation to *respect* requires states to refrain from obstructing action taken by women in pursuit of their health goals (negative obligation)
- Obligation to *protect* rights requires states to take action to prevent and impose sanctions when women's health rights are violated (includes third party actors)
- Duty to *fulfill* rights places an obligation on states to take appropriate measures to the maximum extent of their available resources to ensure that women realize their right to health care

Right to Health

- **CEDAW:** The Committee remains concerned about the level of **maternal mortality rates**, particularly those of indigenous women, which are a consequence of the insufficient coverage of, and access to, health services, including sexual and reproductive health care. The Committee notes with concern that **abortion remains one of the leading causes of maternal deaths** and that, in spite of the legalization of abortion in specific cases, **women do not have access to safe abortion services and to a wide range of contraceptive measures, including emergency contraception**. The Committee is also concerned about the insufficient efforts to prevent teenage pregnancies.
- Concluding Observations, Mexico, 2006

Right to Health

- **CEDAW:** The Committee urges the State party to expand the coverage of health services, including **reproductive health care** and family planning services, and to address the obstacles that prevent women from having access to such services. The Committee also recommends that **sex education be widely promoted** and provided, targeting men and women and adolescent boys and girls. The Committee requests the State party to **harmonize legislation pertaining to abortion** at the federal and state levels. The Committee urges the State party to implement a comprehensive strategy which should include the provision of effective **access to safe abortion** in situations provided for under the law and a wide range of contraceptive measures, including **emergency contraception**, measures to raise awareness about the risks of unsafe abortions and nationwide **sensitization campaigns** about women's human rights, targeting in particular health personnel, as well as the general public.

Concluding Observations, Mexico, 2006

Right to Life

Right to Life

- Protected in a number of international and regional human rights treaties
- **UDHR**: “Everyone has the right to life.”
- **ICCPR**: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”
- Regional Treaties –
 - **European Convention**: “Everyone’s right to life shall be protected by law.”
 - **African Charter on Human and Peoples’ Rights**: “Every human being shall be entitled to respect for his life and the integrity of his person.”
 - **American Convention**: “Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception.”

Right to Life

- WHO: Unsafe abortions cause ~13% of maternal deaths worldwide
- In 2003, 20 million unsafe abortions took place (98% in developing countries with restrictive abortion laws)

Right to Life

- HRC GC 28: “States parties should provide data on birth rates and on pregnancy and childbirth-related deaths of women. Gender-disaggregated data should be provided on infant mortality rates. States parties should give information on any measures taken by the State to help women prevent **unwanted pregnancies**, and to ensure that they do not have to undertake life-threatening **clandestine abortions**.”

Right to Life

- “the level of maternal mortality due to clandestine abortions may indicate that the Government does not fully implement its obligations to respect the **right to life** of its women citizens.”

CEDAW Concluding Comments – Belize
(1999)

Other Rights

Right to Reproductive Rights

- **The Right to Life, Liberty, and Security**
(UDHR, ICCPR, CRC, CRPD)
- **The Right to Health**
(ICESCR, CEDAW, CRC, CERD, CRPD)
- **The Right to be Free from Discrimination**
(UDHR, ICCPR, ICESCR, CEDAW, CRC, CERD, CRPD)
- **The Right to Decide the Number and Spacing of Children**
(CEDAW, CRPD)
- **Right to Consent to Marriage and to Equality in Marriage**
(UDHR, ICCPR, ICESCR, CEDAW, CRPD)
- **The Right to Privacy**
(ICCPR, CRC)

Right to Reproductive Rights

- **The Right to be Free from Practices that Harm Women & Girls**
(CEDAW, CRC)
- **The Right not to be Subject to Torture or other Cruel, Inhumane or Degrading Treatment or Punishment**
(UDHR, ICCPR, CAT, CRC)
- **The Right to be Free from Sexual Violence**
(CEDAW, CRC)
- **The Right to Education and Information**
(UDHR, ICCPR, ICESCR, CEDAW,)
- **The Right to Enjoy Scientific Progress**
(ICESCR, ICCPR)

How does **America** Stack Up?

Case Study: Contraception

- 99% of sexually active American women have used contraception.
- But 10% of fertile, sexually active women do not use contraception. The non-use rate among teens is 19%
- Consequently, **half of all pregnancies are unintended.**
- Contraceptive access is particularly low among low-income women of color.
 - Over past 15 years, contraceptive rate has dropped in this demographic.
 - African-American women are 3x more likely to have unintended pregnancies than white women.
 - **African-American women are 4x more likely to die of pregnancy-related complications** – no improvement over past 20 years!

Case Study: **Contraception**

- CERD Committee Review of United States:
- “The Committee regrets that...wide racial disparities continue to exist in the field of sexual and reproductive health, particularly with regard to...the high incidence of unintended pregnancies and greater abortion rates affecting African American women.”
- Recommends that the U.S. “address persistent racial disparities in sexual and reproductive health...by...[f]acilitating access to adequate contraceptive and family planning methods” and by “[p]roviding adequate sexual education aimed at the prevention of unintended pregnancies and sexually-transmitted infections.”

What is the role of **Science** in Protecting Reproductive Rights



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ABORTIONS!



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Unit-of-use

2 tablets

1

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How to use the product
How to use the product



2

How to use the product
How to use the product
How to use

Pharmacy Debate: Refusal to Fill





flickr: Mulad





NOVEMBER 24, 1986

\$1.95

TIME

Sex Education

- *What Should Children Know?*
- *When Should They Know It?*

- TODAY -
in ROOM 301 -
"THE BIRDS AND
THE BEES"
(AND MUCH
MUCH MORE!)

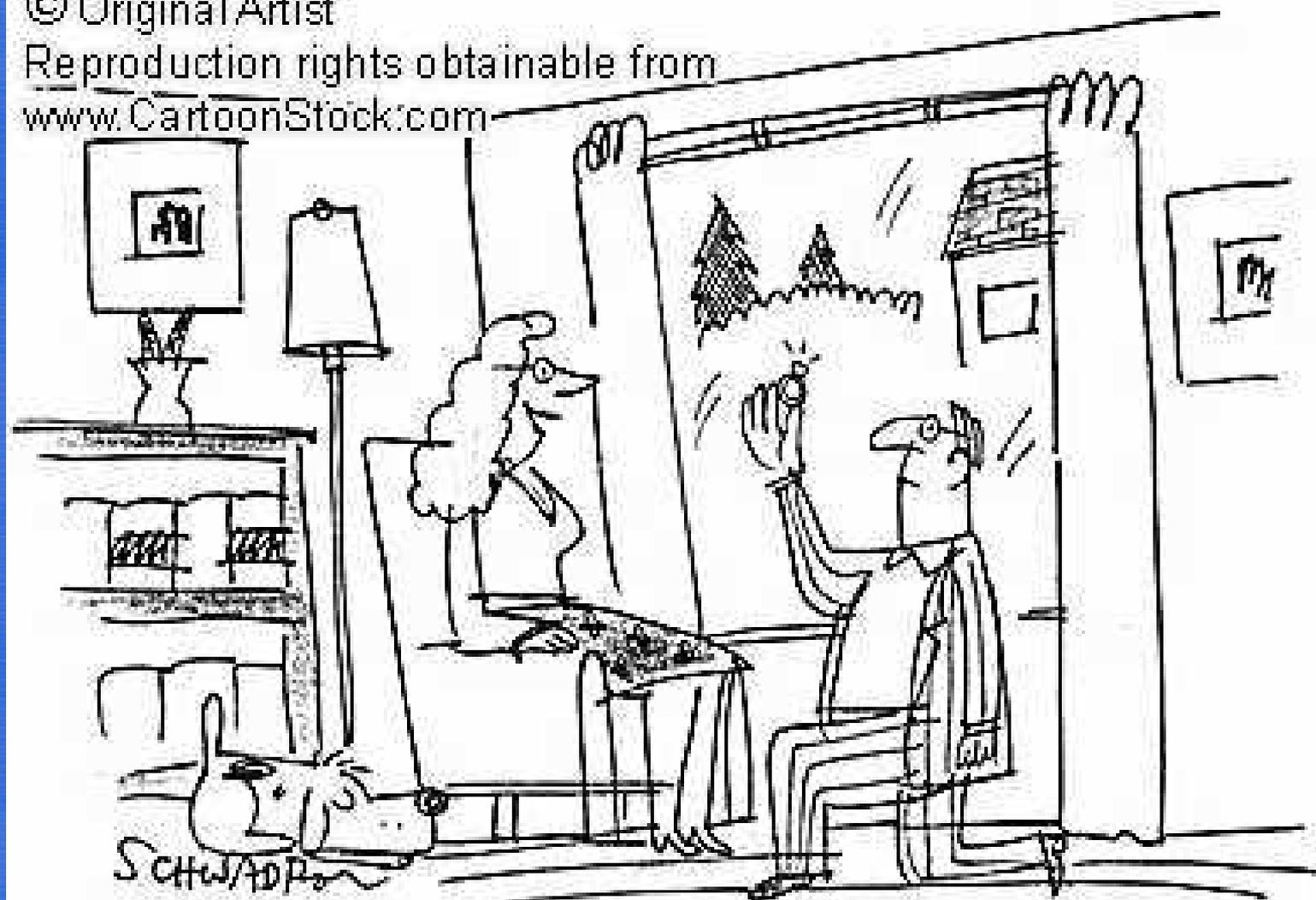


**Detroit
Battles
Back**



SCHULZ

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"I'm sorry, Jerome. Instead of marriage and having kids, I've decided just to have myself cloned."