

# APPENDIX: GLOBAL AGREEMENTS ON HUMAN RIGHTS, ENVIRONMENT AND DEVELOPMENT, REPRODUCTIVE HEALTH AND GENDER EQUALITY

## HUMAN RIGHTS TREATIES

The international consensus agreements of the 1990s, themselves advisory rather than binding, are grounded in legally binding human rights treaties: the Universal Declaration of Human Rights (adopted in 1948); the International Covenant on Civil and Political Rights (which entered into force in 1976); the International Covenant on Economic, Social and Cultural Rights (1976); the Convention on the Elimination of All Forms of Discrimination against Women of (1981); and the Convention on the Rights of the Child (1990).

All member states accede to the Universal Declaration of Human Rights, which affirms, "All human beings are born free and equal in dignity and rights." The Declaration also refers to "the dignity and worth of the human person and ... the equal rights of men and women."<sup>1</sup>

About two dozen specific rights are named, from the right to life, liberty, and security of person through legal and judicial rights to the right to education and work.<sup>2</sup> The Declaration also calls for social security and conditions that allow an individual to realize economic, social and cultural rights necessary to dignity and for a standard of living adequate to one's health and well-being.<sup>3</sup> Declaration language also specifies that "everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind," including sex.<sup>4</sup>

The Covenant on Economic, Social and Cultural Rights states that every human being has the right to "freely determine their political status and freely pursue their economic, social and cultural

development", and that states must ensure that men and women enjoy these rights equally. The Covenant also recognizes people's rights "to be free from hunger," to be educated, and to enjoy "the highest attainable standard of physical and mental health." To achieve the latter, the Covenant lists, in addition to prevention and treatment of disease and the provision of medical services, "improvement in all aspects of environmental and industrial hygiene," an early reference to the link between the environment and health.<sup>5</sup>

The International Covenant on Civil and Political Rights states that protection of laws and freedom of expression apply equally to women and men. It states that every citizen, without regard to sex, has the right to take part in public affairs, to vote, to be elected, and to have the opportunity "on general terms of equality to public service".<sup>6</sup>

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which had 168 states parties as of June 2001, constitutes an international bill of rights for women. Referring to pre-existing treaties that call for "the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights," the Convention declares that "the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields."<sup>7</sup>

In addition to dealing with unequal treatment of women in law, cultural patterns of discrimination, women's rights to participate in public life, equality of educational and employment opportunities,

discrimination against women in the provision of health care, and the special problems of women in rural poverty, CEDAW refers to women's reproductive rights. The education article refers to access to "information and advice on family planning;" articles on health care, rural development, and equality in marriage also mention family planning services. The last states that women are to have "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".<sup>8</sup>

In the article on women in rural areas, CEDAW makes an oblique reference to the environment when it calls on states to ensure that rural women "enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications."<sup>9</sup>

In December 2000 the "Optional Protocol" to CEDAW went into force. This instrument establishes communication and monitoring procedures to advance implementation of the Convention. As of June 2000 there were 67 signatories and 21 states parties to this mechanism.

## UN CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

Heads of state met in Rio de Janeiro in 1992 to make a broad inquiry into environmental degradation, which had become increasingly important to the international community since the 1960s both on their own terms and as a constraint on development. The United Nations Conference on Environ-

ment and Development (UNCED) was the 20-year follow-up to the first global meeting on the environment, held in Stockholm in 1972.

Rio linked environment and development as international agreements had not done before. The watchword was “sustainable development”, economic development to meet the needs of current generations without undermining the environment and compromising future generations’ ability to meet their needs. Rio also declared that both poverty and wealth stress the environment, that industrial societies must lessen their environmental impact through “sustainable patterns of production and consumption,” and that developing countries need assistance in building their economies to be environmentally benign.<sup>10</sup>

In addition to conventions on forests, climate change, and biological diversity, Rio produced a comprehensive guide to sustainable development, Agenda 21. Faced with “worsening poverty, hunger, ill health, illiteracy, and the continuing deterioration of ecosystems,” this document asserts, “the only way to assure ourselves of a safer, more prosperous future is to deal with environment and development issues together in a balanced manner.”<sup>11</sup>

Agenda 21’s four main sections deal with social and economic dimensions of sustainable development, conservation and management of resources, strengthening the role of major groups in sustainable development, and implementation.

Nine paragraphs in the first section address “Population and Sustainability”. They state that “the world’s growing population and production” increasingly stress the earth’s resources; urge development strategies that deal with the combined effects of population growth, ecosystem health, technology, and access to resources; urge the development of “population goals” and the integration of population concerns into national strategies for sustainability; call for coun-

tries to calculate their “national population carrying capacity;” state that “sustainable development will require reproductive health programmes to reduce maternal and infant mortality, and provide men and women with the information and means to plan family size”; and declare that population programmes require broad support as well as “adequate funding, including support to developing countries”.<sup>12</sup>

A chapter on women in the section on “major groups” states that “women have considerable knowledge and experience in managing and conserving natural resources,” but “discrimination and lack of access to schooling, land and equal employment” have constrained their role in achieving sustainable development.<sup>13</sup> It calls on governments to:

- Eliminate legal, cultural, social, and other barriers to women’s full participation “in sustainable development and public life”.
- Increase women’s participation in environmental decision-making as officials, scientists, technical advisers and extension workers.
- Improve women’s education from illiteracy eradication to post-secondary study in the sciences.
- Create conditions to enable women to play an enhanced role in sustainable development, such as better health care—including maternal and child health care and family planning—a reduced workload, better access to credit, property rights, eliminating violence against women and counting unpaid work in official economic measures.
- Educate women, particularly in the industrialized world, to engage in environmentally sustainable consumption.<sup>14</sup>

While Agenda 21 links population growth and resource use, and recognizes women’s role in the environment and their need for education, health care and credit, the population section is mainly demographic in focus and lacks the

broader reproductive health and women’s rights approach to population adopted at the ICPD two years later.

## INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT

The ICPD Programme of Action, negotiated in Cairo in September 1994, is a far-reaching yet practical roadmap for expanding individual choice, by making critical investments in reproductive health care and education, providing expanded economic opportunities for women, and creating the conditions—legal, political, social and economic—for true gender equality and equity. The Conference recognized that these actions are both just and humane in their own right, and if implemented would also contribute to stabilizing population and advancing environmental security.

The Programme specifies that “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 function and processes.” Reproductive rights “embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents.”<sup>15</sup>

One of the principal goals of the Programme of Action is ensuring universal access to reproductive health care as soon as possible, and by 2015 at the latest. Essential components of reproductive health care include: family planning; maternal health; preventing abortion and managing the complications of unsafe abortion; preventing and treating sexually transmitted diseases, including HIV/AIDS; and eliminating traditional practices like female genital mutilation that harm women’s reproductive health and well-being.

Also central to the ICPD approach is the collection of rights, defined in the human rights treaties, that will permit women to

realize their dignity—economically, socially, and culturally. “The empowerment and autonomy of women,” the Programme states, “is a highly important end in itself. In addition, it is essential for the achievement of sustainable development.” It adds, “Experience shows that population and development programmes are most effective when steps have simultaneously been taken to improve the status of women.” Thus the Programme of Action calls for education for women and girls, access to “secure livelihoods and economic resources,” and full participation in public life.<sup>16</sup>

Chapter III of the Programme of Action deals with the interactions among population, economic growth and sustainable development. This chapter reinforces many of the principles articulated at UNCED. “Meeting the basic human needs of growing populations is dependent on a healthy environment,” it notes. The document avoids demographic targets or goals, and stresses that poverty and gender inequities affect and are affected by population growth, age structure and distribution. In turn, it states, “unsustainable consumption and production patterns” overuse natural resources, degrade the environment, and reinforce gender inequality and poverty.

“Integrating population into economic and development strategies,” the agreement adds, will accelerate progress toward sustainability, alleviating poverty, slowing population growth, and improving quality of life. And it calls for “implementation of effective population policies in the context of sustainable development, including reproductive health and family planning programmes.”<sup>17</sup>

#### **FOURTH WORLD CONFERENCE ON WOMEN**

The Platform for Action adopted in 1995 at the Fourth World Conference on Women in Beijing built on the progress achieved in Cairo a year earlier. It reaffirmed the

international community’s commitment to women’s rights and equal participation “in all spheres of society” as a prerequisite “for people-centred development”.<sup>18</sup>

The Platform for Action strengthened the ICPD’s commitment to women’s reproductive health. “In most countries,” the Platform states, “the neglect of women’s reproductive rights severely limits their opportunities in public and private life, including opportunities for education and economic and political empowerment. The ability of women to control their own fertility forms an important basis for the enjoyment of other rights.”

The Beijing document, citing Agenda 21, also pointed out that women are disproportionately harmed by environmental degradation and have a powerful, as yet largely untapped, part in protecting and restoring the environment: “Women have an essential role to play in the development of sustainable and ecologically sound consumption and production patterns and approaches to natural resource management.”<sup>19</sup>

In June 2000, a General Assembly special session to review implementation of the Beijing Platform for Action adopted a Political Declaration reaffirming the commitments made in Beijing and agreed on priority actions, including the need to address: gender aspects of HIV/AIDS and other sexually-transmitted infections; the disproportionate effect on women and girls of malaria and tuberculosis; the mental health of women and girls; and care for women and girls who experience violence.<sup>20</sup>

#### **WORLD SUMMIT ON SOCIAL DEVELOPMENT**

“Economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development,” international leaders declared in March 1995 at the World Summit on Social Development, designed to “place people at the centre of development

and direct our economies to meet human needs more effectively.”

Gender equality was a central goal of the Copenhagen summit. It adopted a Declaration emphasizing that “social and economic development cannot be secured in a sustainable way without the full participation of women” and that “equality and equity between women and men ... must be at the centre of economic and social development.”<sup>21</sup> The Declaration notes that women constitute the majority of people living “in abject poverty” and carry “a disproportionate share of the problems of coping with poverty;” that gender equality is intertwined with continued population growth and poverty; and that “empowering people, particularly women, to strengthen their own capacities is a main objective of development and its principal resource.”<sup>22</sup>

#### **THE MILLENNIUM DECLARATION**

In September 2000, heads of state and government met in New York to negotiate a Millennium Declaration committing the United Nations to achieving “a just and lasting peace all over the world”, and rededicating the organization to “respect for the equal rights of all without distinction as to race, sex, language, or religion.”<sup>23</sup>

The Declaration affirms that “the equal rights and opportunities of women and men must be assured”; and states that “prudence must be shown in the management of all living species and natural resources, in accordance with the precepts of sustainable development.” It calls on states to: “promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable;” “combat all forms of violence against women and to implement the Convention on the Elimination of All Forms of Discrimination against Women;” and “adopt in all our environmental actions a new ethic of conservation and stewardship.”<sup>24</sup>