

Rights into Action

**UNFPA implements Human
Rights-Based Approach**



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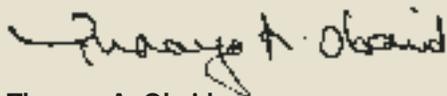
Preface

The promotion and protection of human rights are fundamental to the work of UNFPA. This advocacy booklet, *Rights into Action: UNFPA Implements Human Rights-Based Approach*, lays out the underlying principles of UNFPA's human rights work in the context of population and development, reproductive health, gender equality and women's empowerment. It also introduces the manner in which programming contributes to the promotion of human rights, and shows the significant role that good practices and exchange of synergies among different actors can play on the protection of universal human rights. Social and cultural realities present not only challenges, but also opportunities for advancing development goals and human rights. UNFPA is therefore working with communities and local, religious and cultural leaders to share knowledge and together advance human rights.

The advocacy booklet is divided into two sections. Section I describes UNFPA's commitment to a human rights framework and discusses elements of a rights-based approach to programming. Section II describes UNFPA's work in the context of the monitoring work of the human rights treaty committees within the programmatic areas of population and development, reproductive health and gender equality and women's empowerment.

This initiative constitutes a positive outcome of UNFPA's continuous process of learning, self-reflection and action; it is also a critical outcome of the ongoing interaction with individuals working for equity and social justice, and with the human rights system, UN agencies, groups and organizations in the context of the UN Reform. The booklet is intended to strengthen the efforts of bilateral and international organizations, governments, non-governmental organizations and national human rights institutions, as well as UNFPA staff engaged in similar endeavors to ensure that human rights issues are given the priority they deserve.

Information on further work by UNFPA on human rights-based approach can be obtained through the Culture, Gender and Human Rights Branch of UNFPA.



Thoraya A. Obaid

*Executive Director
United Nations Population Fund*

We the Peoples of the United Nations, determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small...

— United Nations Charter

It is my aspiration that health finally will be seen not as a blessing to be wished for, but as a human right to be fought for.

— United Nations Secretary-General Kofi Annan

We all know that human rights cannot just be transplanted as external principles into individuals or their communities. Human rights principles must be internalized by each individual, women and men, and must be absorbed and expressed in their own ways and within the positive aspects of their cultural values and beliefs. In order for this to happen, women must believe in human rights and must believe that these rights will protect them and not expose them in a battle against the society. They do weigh the social costs of entering into conflict as opposed to the benefits coming from the status quo. Women will claim their rights if they know there is a support system that will protect them from the reaction of their own communities. This support system should certainly include some of those who hold the keys to the power structures — religious, community and traditional leaders.

— UNFPA Executive Director Thoraya A. Obaid

We must understand the role of human rights as empowering of individuals and communities. By protecting these rights, we can help prevent the many conflicts based on poverty, discrimination and exclusion (social, economic and political) that continue to plague humanity and destroy decades of development efforts. The vicious circle of human rights violations that lead to conflicts — which in turn lead to more violations — must be broken. I believe we can break it only by ensuring respect for all human rights.

— former United Nations High Commissioner for Human Rights, Mary Robinson



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UNFPA's Commitment to a Human Rights-Based Approach (HRBA)

The modern human rights system is based on a series of legally binding international treaties that make use of principles of ethics and social justice, many of which are directly relevant to population issues and reproductive health. Agencies throughout the United Nations system are adopting a right-based approach to replace the former 'basic needs' approach. Under a human rights framework, governments are the primary duty bearers. They have obligations to put in place equitable laws and systems that enable individuals to enjoy their rights, and to seek judicial recourse under the rule of law when they have been violated.¹ As rights holders, people can claim the rights that are recognized as legitimate entitlements. This approach emphasizes the empowerment of those who are affected by policies and their participation in the decision-making process.

Core International Human Rights Instruments

There are seven core international human rights treaties. Each of these treaties has established a committee of experts to monitor implementation of the treaty provisions by its States parties. Some of the treaties are supplemented by optional protocols dealing with specific concerns.

Treaty	Date
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	1965
International Covenant on Civil and Political Rights (ICCPR)	1966
International Covenant on Economic, Social and Cultural Rights (ICESCR)	1966
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	1979
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	1984
Convention on the Rights of the Child (CRC)	1989
International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW)	1990

International conference documents and reports relevant to UNFPA's work on human rights

Consensus Document/Reports	Date
Declaration on the Elimination of Violence against Women	1993
World Conference on Human Rights, Declaration and Programme of Action	1993
International Conference on Population and Development	1994
Fourth World Conference on Women, Declaration and Platform for Action	1995
Glen Cove Meeting: Human rights approaches to women's health with a focus on sexual and reproductive health and rights	1996
International Guidelines on HIV/AIDS and Human Rights (last revised 2002)	1998
UN World Conference Against Racism	2001
An Agenda for Further Change (Follow-up to UN Programme for Reform)	2001
Glen Cove + 5: Application of Human Rights to Sexual and Reproductive Health	2001
The Second Interagency Workshop on Implementing a Human Rights-based Approach in the Context of UN Reform	2003

By emphasizing fundamental values, a rights-based approach can shape effective population, development, reproductive health and gender equality programmes and policies. UNFPA is convinced that the effective integration of a human rights-based approach into programmes will advance equality, social inclusion, accountability and fairness in the distribution of resources in society.

As human rights lie at the core of the mandate of the UN, both the UN Secretary-General's *Programme for Reform* (1997) and its second phase, *An Agenda for Further Change* (2001) outlined the adoption of a human rights-based approach (HRBA) by all UN agencies. It is UN's policy to make human rights a crosscutting priority for the whole system. In line with the ICPD, the

promotion and protection of human rights are fundamental to the work of UNFPA at all levels.

Central to a HRBA is that all programmes of development cooperation, policies and technical assistance have to further the realization of human rights e.g. the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including reproductive health; the right to development; the right to education, the right of everyone to an adequate standard of living, etc. as laid down in the Universal Declaration of Human Rights and other international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights. Furthermore, all phases and all sectors of programming and

United Nations Millennium Declaration

V. Human rights, democracy and good governance.

To respect and fully uphold the Universal Declaration of Human Rights and strive for the full protection and promotion in all countries of civil, political, economic, social and cultural rights for all;

To strive for the full protection and promotion in all our countries of civil, political, economic, social and cultural rights for all;

To strengthen the capacity of all our countries to implement the principles and practices of democracy and human rights, including minority rights;

To combat all forms of violence against women and to implement the Convention on the Elimination of All Forms of Discrimination against Women;

To take measures to ensure respect for and the protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in many societies, and to promote greater harmony and tolerance in all societies;

To work collectively for more inclusive political processes, allowing genuine participation by all citizens in all our countries.

To ensure the freedom of the media to perform their essential role and the right of the public to have access to information.

development cooperation have to be guided by human rights principles i.e. Indivisibility, Equality and Non-discrimination, Participation and Inclusion, Accountability and Sustainability. Finally in a human rights-based approach, human rights determine the relationship between individuals and groups with valid claims (rights-holders) and State and non-state actors with correlative obligations (duty-bearers).²

Human rights and equality underpin the Cairo Consensus that guides UNFPA, and the human rights principles of non-discrimination and equality, participation, inclusion and accountability are elements of UNFPA's programmes and activities. The Millennium Declaration that sets the United Nations agenda for peace, security and development concerns in the 21st century clearly reflects a human rights perspective, and, the Millennium Declaration underscores goals and indicators to measure progress in advancing human rights (see left).

As described here, UNFPA collaborates actively with government partners, members of the human rights treaty bodies and representatives from the United Nations agencies and non-governmental organizations to assess progress, obstacles and opportunities for integrating reproductive health and rights into the work of the treaty bodies.

UNFPA supports the integration of human rights standards into its programming framework. This is accomplished through analysis, design, implementation, monitoring and evaluation of country programmes and all other programmes.³ UNFPA also recognizes that a rights-based approach should be founded on an analysis of gender and vulnerability to ensure that



programmes reach segments of the population that are marginal, especially poor women and young people. Aiding these efforts are the Culturally Sensitive Approaches in programming, which allow UNFPA to work together with local traditional and religious leaders in order to promote human rights for all members in the communities.

Background on UNFPA's work in the human rights arena

In 1996, in Glen Cove, New York, UNFPA brought together, for the first time, the chairs of the six human rights treaty bodies to discuss human rights-based approaches to women's health, with a focus on reproductive health and rights. The aim of that meeting,

which was a collaborative effort also involving the Office of the High Commissioner for Human Rights and the Division for the Advancement of Women, was to develop ways in which reproductive health and rights could be monitored as fundamental human rights in line with the strategic commitments of the ICPD. As a result, reproductive rights are now increasingly being observed as fundamental human rights.

The Glen Cove+5 follow-up workshop on the *Application of Human Rights to Sexual and Reproductive Health* (2001) reviewed progress in this area, assessed obstacles, and identified opportunities within the human rights 'system' and in conjunction with other partners.

UNFPA's contribution to a human rights-based approach

Guided by the ICPD and its commitment to poverty reduction and sustainable development, UNFPA applies a human rights-based approach into its three core programme areas of work (population and development, reproductive health, and, gender equality and women's empowerment).

Priorities for UNFPA include:

- Enhancing countries' capacity to develop and implement integrated and multi-sectoral population and development policies and to mainstream gender concerns and human rights approaches;
- Promoting participatory approaches, gender equality and women's empowerment in the development of policies and strategies for poverty reduction;



- Advocating the application of norms and values set out in international human rights law;
- Promoting at the country level the ratification and implementation of UN human rights treaties and their optional protocols; and
- Ensuring that the human rights-based approach is understood and reflected in all areas of the work of the Fund.

Further, UNFPA makes available to the United Nations treaty bodies⁴ analytical summaries with insights that relate reproductive health and women's rights to human rights provisions. UNFPA also provides assistance in the periodic preparation of reports for submission to the relevant treaty bodies. In addition, UNFPA submits reports and written statements to the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights, and disseminates resolutions adopted by the Commission on Human Rights to UNFPA's country offices and headquarters staff.

During a three-year period, 2000-2002, UNFPA seconded an officer to the Office of the High Commissioner for Human Rights as Gender Coordinator. This officer was able to work closely with members of the different treaty committees and strongly position ICPD issues in relation to their implementation efforts. The recommendations of these committees now reflect an increasing recognition of reproductive health and rights in the implementation of human rights treaties and conventions.

UNFPA has also co-sponsored, with the Office of the High Commissioner for Human Rights and the Inter-American Institute for Human Rights, a Seminar-Workshop on the *Promotion and Protection of Reproductive Rights through the work of National Human Rights Institutions for Latin America, the Caribbean and Canada* (Costa Rica, 2002). A workshop with similar objectives was also held with Ombudsman Offices of the Caribbean (Jamaica 2003). The resolution of this meeting highlights the critical importance of integrating reproductive health and rights into the plans of action of the national human rights institutions and calls for strengthening their monitoring capabilities and the establishment of concrete follow up mechanisms. As a result, reproductive health and rights are now being integrated within country level action plans and in monitoring and follow up.

Cross-cutting approaches to integrating human rights into UNFPA programming

The establishment in 2002 of the Gender, Culture and Human Rights Branch within the Technical Support Division of UNFPA reflects the important linkages within these three areas and their cross-cutting nature. Culturally sensitive approaches and gender mainstreaming are both processes for promoting and protecting the universal human rights that have been established by the international community. The aim is to strengthen capacity for and political and community ownership of principles of human rights, especially gender equality throughout UNFPA and its partners in accordance with the ICPD mandate. As discussed below, advocacy and partnerships are also necessary

to tackle an issue as significant as the protection and promotion of human rights.

While the principle is human rights based, programming should be culturally sensitive and gender-aware, which requires inclusivity and participation. This creates the conditions for people to engage in a participatory process, make their own choices, exert their freedoms, and expand their capabilities, ensuring that they 'own' the process and develop a sense of entitlement. It will also guarantee that programming decisions fairly take into account people's own specific contexts and situations, needs and interests. A participatory approach also helps to establish a broader understanding and acceptance of international human rights, including involving communities in the development process, which is particularly important for marginalized groups as stressed in ICPD and ICPD+5.

Culturally-sensitive programming

"Human rights are the expression of those traditions of tolerance in all religions and cultures that are the basis of peace and progress. Human rights are foreign to no culture and native to all nations."

—Kofi Annan, UN Secretary-General,
International Human Rights Day, 10 December 1997

UNFPA promotes and protects human rights in widely varying social and cultural contexts. These different contexts present opportunities as well as challenges for advancing development goals and human rights, as UNFPA's work over the past 35 years has

shown. This is particularly true when dealing with the issues of gender equality, violence against women (including harmful practices), maternal mortality, morbidity and maternal health, family planning and HIV/AIDS.

UNFPA's approach helps to illuminate the social basis of practices that are harmful by applying a 'culture lens' in promoting human rights and gender equality in diverse national and local contexts.⁵ This includes analyzing local power structures as well as considering the aspirations of those who may be relatively voiceless, such as women, adolescents and others. It emphasizes community dialogue, and working with local and cultural leaders. It also seeks to empower more vulnerable members of the community to understand, know, and claim their rights.

The Inter-agency Working Group on Gender and Development in India has brought together the United Nations system with other partners and has supported a stronger gender dimension in the country's ninth and tenth five-year plans and in the processes of the Common Country Assessment/United Nations Development Assistance Framework (CCA/UNDAF). With leadership rotating amongst United Nations organizations, this technical group succeeded, for example, in making the census process more gender-sensitive and in building the capacity of enumerators to take gender into account.

UNFPA does not pass judgment on any tradition, culture or religion. However, universally accepted human rights are applicable to all human beings in all cultural settings. One challenge in implementing the Cairo Programme of Action is the perceived tension between universal human rights and context-specific values and rules of conduct.

Cultural values are not static, and their interpretation within a culture may vary quite significantly. UNFPA aims to engage communities in designing programmes that affirm the positive values within their own religious and cultural contexts — ones that also advance fundamental human rights. Toward this end, UNFPA has identified a “culturally-sensitive approach” to programming that may be used in diverse and complex cultural contexts.

UNFPA has issued three publications based on a review of successful initiatives in nine country programmes. These publications, *Culture Matters*, *Working from Within*, and *24 Tips for Culturally Sensitive Programming*, are available on the website at www.unfpa.org/publications. Through regional retreats for UNFPA staff on promoting human rights through culturally sensitive approaches, UNFPA has been building capacity on this important issue.

Gender-sensitive programming

Gender equality, equity and women’s empowerment is one of UNFPA’s core programme areas. However, gender mainstreaming is also a cross-cutting approach that is relevant to all programming and policy areas. Mainstreaming gender is an essential strategy for

In March 2003, the Executive Director of UNFPA and the Minister of Development Cooperation of the Netherlands hosted a meeting “Cairo and Beyond: Reproductive Rights and Culture” with participation of 90 experts from 30 different countries. The diversity among participants led to rich dialogue and reflection about the ways in which cultural traditions, practices, religions, leaders, institutions, beliefs and values can assist in accelerating world progress towards the protection, promotion, and fulfilment of reproductive health and rights of women, men and adolescents.

greater progress within countries and for greater effectiveness within the United Nations system.

Profound social and structural changes are necessary to provide the conditions for women’s empowerment and gender equality and equity, beginning with the creation of an enabling environment that promotes — and enforces — gender equality in laws, policies, practices and value systems. The Fund is working with partners at the national level to develop effective and culturally sensitive rights-based approaches to empower women and girls — especially those who are poor, displaced, members of minorities or other disadvantaged groups — to articulate demands for equal access to information and high quality services. UNFPA also

supports developing countries to build their own capacity to collect sex-disaggregated data, which can inform programming and monitoring of results.

Another positive development is the increasing number of partnerships to strengthen collaborative approaches to support gender equality and equity among UN organizations. The inter-agency theme groups on gender have great potential to strengthen gender expertise and coordination within United Nations country teams. In crises, where gender concerns are so important, but too often neglected, major efforts have been made over the past few years to mainstream gender in humanitarian response efforts.

Inter-agency coordination on mainstreaming gender equality and equity in post-conflict situations and on HIV/AIDS and coordinated action to support countries to engender Millennium Development Goals' processes is also expanding. This often takes the form of support to national machineries for women. Another positive development, which enhances accountability, is the use by all UN agencies of gender-responsive budgeting. As a result, inter-agency partnerships are emerging in many countries where gender budgeting is used to secure greater investments in such areas as girls' education, reproductive health, women's political participation and in programmes to end gender-based violence.

Advocacy and Partnerships

Human rights issues are interlinked with all other aspects of development. Strong partnerships and coalitions

among UN agencies, bilateral, and international organizations, governments, NGOs and national human rights institutions are required to ensure that human rights issues are given the priority they deserve.

UNFPA promotes good governance as a critical condition for the protection and promotion of reproductive rights and women's rights. The Fund also encourages constructive partnerships and cooperation among all stakeholders to advocate and to work towards the ICPD goals. Strategic advocacy and behaviour change communication involving a broad-based coalition of stakeholders build on socio-cultural research and local knowledge to foster culturally sensitive dialogues at the household, community and societal levels.

UNFPA also promotes human rights through advocacy at global, regional and national levels to strengthening awareness of and commitment to the rights-based ICPD agenda.

To ensure the sustainability and effectiveness of national advocacy efforts, UNFPA helps strengthen the networking and advocacy skills of civil society organizations. It does this by providing a strong evidence base for advocacy efforts and by encouraging systematic monitoring to ensure that efforts are strategic, synergistic and focused on advancing women's and girls' rights and gender equality.

Partnerships with religious and faith-based organizations as well as with women's groups have proven important in situations where individuals, and most commonly women, do not fully enjoy their human rights, including reproductive rights.

Promoting Human Rights within UNFPA Programmatic Areas

Culturally sensitive approaches, gender mainstreaming, advocacy and partnership are strategies that can give human rights more weight in all of our work. The various programmatic areas may also require more targeted approaches and perspectives linked to provisions in relevant international agreements and legal instruments, as discussed below.

Reducing poverty

The relevance of human rights, in general, and women's rights, in particular, to poverty reduction and development is sometimes not fully understood. Yet poverty is characterized by exclusion and lack of power to claim legitimate rights. Poverty keeps a significant share of humanity from enjoying basic human rights by denying individuals the basic elements of a decent life, including food, shelter, health care and clothing and by limiting their options in life.

The 1986 UN Declaration on the Right to Development recognized the right "to participate in, contribute to and enjoy economic, social, cultural and political development, in which human rights and fundamental freedoms can be fully realized." Human development and the eradication of extreme poverty and hunger, as envisioned by the Millennium Development Goals (MDGs), require expanding the rights — the opportunities, choices, and power — of individuals and communities. That necessary link between human rights and poverty is evident in the Millennium Declaration, in which 189 countries

In the Latin American and Caribbean region, a UN Interagency Project on the use of gender indicators for the design of public policies, which reviewed the links between gender and poverty, resulted in reproductive rights being integrated as "new dimensions" in policy making.

pledged to uphold the Universal Declaration of Human Rights and women's rights as a core framework to achieve its vision.

UNFPA's comparative advantages in supporting poverty reduction and health sector reforms are in data and policy analysis, in advocacy based on these findings, and in addressing the reproductive health and development needs of the poor and marginalized groups, with a particular focus on women, adolescents and the girl child.

Poverty reduction is an explicit goal of both the ICPD Programme of Action and the ICPD + 5 documents that guide UNFPA's work. They emphasize the mutually reinforcing interrelationships between population dynamics, reproductive health, poverty reduction, gender equality and sustainable development.

Building on both the Beijing Platform for Action and the ICPD Programme of Action, the Millennium Declaration, adopted at the Millennium Summit in September 2000, strives to make the right to development a reality for everyone. The Millennium Development Goals based on the Declaration are



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mutually reinforcing and set the priority objectives to ensure sustainable development.

The first of the eight Millennium Development Goals calls for “Eradicating extreme poverty and hunger.” A group of some 250 experts brought together for the United Nations Millennium Project recently affirmed the centrality of UNFPA’s work to reducing poverty. Their report, *Investing in Development*, found strong links between rapid population growth, high fertility, ill-timed pregnancies and poverty — a demographic-related ‘poverty trap’.

All population and development policies should be aligned with human rights norms and values. The rights to non-discrimination and equality are among

the most fundamental human rights, and are elaborated in numerous international instruments.⁶

Further, Article 11 of the International Covenant on Economic, Social and Cultural Rights affirms the right of everyone to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions.

Certain norms and standards are particularly pertinent to the problem of poverty, especially those that deal with discrimination, the recognition of vulnerable groups, freedom from hunger, the right to economic self-determination and the right to development.

Reproductive health and rights

“At one level, the argument for greater global investment in reproductive health services should be obvious. The international community has long recognized that all couples and individuals have a right to decide whether and when to have children. Yet, hundreds of millions of people worldwide who want to space their families lack access to modern contraceptive methods. This is a violation of their human rights, and the consequences are appalling: millions of unintended pregnancies, often resulting in unsafe abortion or maternal or infant death; and continuing rapid population growth in the world’s poorest countries.”

—UNFPA Executive Director Thoraya A. Obaid

Many of the human rights defined in international treaties have implications for reproductive health



services. Human rights principles should guide almost every aspect of the delivery of services, defining what services must be offered, to whom, and in what fashion. Three principles are key:

- Individuals have the right to control their sexual and reproductive lives and make reproductive decisions without interference or coercion. This principle is based on the rights to liberty, to marry and found a family, and to decide the number and spacing of one's children.
- The right to non-discrimination and respect for differences requires governments to ensure equal access to health care for everyone and to address the unique health needs of women and men.
- To fulfill individual's rights to life and health, governments must make comprehensive reproduc-

tive health services available and remove barriers to care.

Ensuring voluntary family planning services

The Human Rights Committee relates the lack of access to contraception to high rates of abortion and maternal mortality. Thus, obstacles to women's access to contraception, including economic barriers, are a violation of the non-discrimination provisions of Article 3 (equal rights of men and women) of the International Covenant on Civil and Political Rights (ICCPR). The Human Rights Committee has also stated that access to contraception will help ensure women's right to life, protected under Article 6 of ICCPR.

Articles 12 and 16 (1)(e) of the Convention on the Elimination of All Forms of Discrimination against

“Reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other relevant United Nations consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number and spacing of their children, and to have the information, education and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes the right of all to make decisions concerning reproduction free of discrimination, coercion and violence as expressed in human rights documents.” (ICPD 7.3)

Women (CEDAW) highlight the right to decide freely and responsibly on the number and spacing of one’s children, and for men and women to have access to the information, education and means to enable them to exercise this right. UNFPA has produced an Operational Tool on the CEDAW for UNFPA Programmes.⁷ It is intended to be of special value to the UNFPA Country Offices in strengthening their capacity to advocate for women and girl’s health from a human rights perspective. The tool also helps track the integration of reproductive and sexual health into human rights activities at country level, and to encourage governments to accede to CEDAW.

In its concluding observations, the treaty Committee on CEDAW has made sexual and reproductive health education a priority and has frequently asked States parties to implement such education programmes.⁸

Reducing maternal mortality and morbidity

The death of more than half a million women each year from treatable complications of pregnancy and childbearing and the disability of around 21 million more each year is a significant human rights issue and a priority action area for UNFPA.

The huge differences in the risk of pregnancy between women in rich and poor countries (the highest differential of any public health indicator

In 2001, a Social Development Law was enacted in Guatemala, promoting, for the first time specific policies on population, reproductive health, family planning and education. Ten years earlier, a similar law was vetoed. A year and a half of negotiations and consensus building among many stakeholders representing various committees and groups, facilitated by UNFPA, underpinned the success of the 2001 law. Opposition groups were persuaded to support the new law in large part because it would reduce maternal and infant mortality.



monitored by WHO) underscores the inequality of the situation. The lifetime risk that a woman in West Africa will die in pregnancy or childbirth is 1 in 12. In industrialized countries, the comparable risk is 1 in 3,800. The differences between the rich and poor segments within less developed countries are high as well.

The moral imperative to reduce maternal death and disability is underpinned by guiding principles of human rights, social responsibility, participation and equity.

A human rights analysis of health systems and clinical care and the systematic barriers faced by women when seeking reproductive health services reveals: lack of protection of women's right to achieve the highest attainable standard of physical and mental health, lack of a women's input into design and operation of services, and discriminatory practices and programmes.

UNFPA's ultimate goal is to promote an integrated system of reproductive health services that offers a full range of services, including emergency obstetric

Since almost all maternal mortality is avoidable, UNFPA considers the death of a woman during pregnancy or childbirth a violation of her right to life and health as well as a social injustice. For this reason, UNFPA's approach to reducing maternal mortality is grounded in human rights and gender equality and equity principles. Recognizing the role of gender in influencing access to and quality of health care, a rights-based approach promotes the empowerment of women and supports conditions in which they can choose safe delivery. A rights-based approach also guides the design and implementation of UNFPA's maternal mortality policy and programming. Applied in a culturally sensitive manner, human rights principles can promote dignity and social justice for clients and providers at the levels of clinical operations, facility management and national policy. A human rights approach strives for equality and equity not just in "what" we do to reduce maternal mortality, but also in "how" we do it.

— Maternal Mortality Update 2004

care for all women who develop complications of childbirth. This will best be achieved, in practice, through an incremental approach that builds on the systems currently in place, identifying gaps and inadequacies and strengthening links among programmes in order to better respond to the reproductive health needs of individuals.

The significant reduction of maternal mortality is a target of both the Cairo Programme of Action and Millennium Development Goal 5. The Convention on the Elimination of All Forms of Discrimination against Women (Article 12) also calls on States to provide appropriate services in connection with pregnancy, childbirth, and the post-natal period, and to grant free services, where necessary, as well as adequate nutrition during pregnancy and lactation.

In its General Comment 14, the Committee monitoring the International Covenant on Economic, Social and Cultural Rights has stated that the provision on maternal health care "including access to family planning, pre- and post-natal care, emergency obstetric services and access to information as well as to resources necessary to act on that information" constitutes part of a State's essential or minimum core obligations. The General Comment explicitly includes physical and economic accessibility as components of the right to health.

Preventing HIV/AIDS

The goal of realizing human rights is fundamental to the global fight against AIDS. And in a world facing a terrible epidemic — one that has already spread further, faster and to more devastating effect than any other in human history — winning the fight against AIDS is a precondition for achieving rights worth enjoying.

—Dr. Peter Piot, UNAIDS Executive Director

Preventing the further spread of HIV infection is a major development and human rights challenge.

Stigma, silence, discrimination, denial and a lack of confidentiality undermine prevention and care efforts. The fact that the epidemic is increasingly affecting young women, and that large numbers of infants are infected, brings additional human rights dimensions to this tragic disease.

The fundamental human rights of people living with HIV/AIDS — such as the right to non-discrimination, equal protection and equality before the law, privacy, liberty of movement, right to work, equal access to education, housing, health care, social security, assistance and welfare, or to be sexually active and bear children — are often violated based on their known or presumed HIV/AIDS status.⁹ UNFPA has stressed that all HIV prevention programmes should ensure the application and mainstreaming of relevant international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, as well as the International Guidelines on HIV/AIDS and Human Rights.

The Fund's experiences in addressing the HIV/AIDS epidemic have confirmed that the promotion and protection of human rights constitute an essential component in preventing transmission of HIV and lessening the impact of HIV/AIDS.

UNFPA's strategic programming framework focuses on preventing HIV infection among young people and women and on condom programming. Activities are carried out in emergency and conflict situations, clinical settings addressing maternal health, family planning and sexually transmitted infections, and informal settings to reach high-risk groups and vulnerable populations.

It is commonly assumed that HIV-positive women will not engage in sex and should not have children.¹⁰ As a result, they are often denied information about pregnancy prevention and access to quality prenatal and obstetric care. Where women are expected to produce children, those who are HIV-positive must contend with stigma if they opt to have none. Protecting the reproductive rights of HIV-positive women, including preventing coerced abortions or sterilization, is a critical human rights issue.

The Convention on the Elimination of All Forms of Discrimination against Women has linked sex education to the prevention of HIV/AIDS. Further, the Committee has made recommendations on the specific content of sex education programmes, recommending that they include information on reproductive rights, responsible sexual behaviour, sexual and reproductive health including HIV/AIDS prevention and family planning.

The Committee on the Rights of the Child has also recognized the importance of reproductive health education and services in the prevention of HIV/AIDS and has advocated for sufficient allocation of resources to this end, as well as for the incorporation of a 'youth-friendly' approach in delivery of reproductive health services in the context of HIV/AIDS including access to voluntary counselling and testing and to condoms.

The Committee on Economic, Social and Cultural Rights in many of its Concluding Observations urges the State parties to step up measures to combat HIV/AIDS and, in particular, to enhance the provision of education on sexual and reproductive health.

Supporting adolescents and youth

In 1994, for the first time in an intergovernmental agreement, the ICPD Programme of Action recognized the reproductive health and rights of adolescents. This was reaffirmed at the 1995 Beijing Conference and is reflected in several national policies and laws. In Albania, reproductive health education and services for adolescents are free of charge.¹¹ Kyrgyzstan protects the right of young people to reproductive health care.¹² Panama recognizes the right of pregnant adolescents to health care, information on their rights and continued education.¹³ Colombia now specifically provides for adolescents' rights to contraception, including those displaced by the internal conflict.¹⁴ Recognizing parents' role has been crucial in ensuring the rights of adolescents. Successful approaches have

Reducing Stigma and Empowering People Living with HIV/AIDS

Working with parliamentarians and national human rights institutes in Central America since 2003, UNFPA has partnered with the Inter-American Institute of Human Rights¹ to strengthen a rights-based approach to HIV/AIDS. In collaboration with the International Labour Organization, the project has assessed laws governing discrimination in the workplace to increase access of people with HIV/AIDS to legal redress.

often reached out to parents, who may need to be informed about the risks their children face.

UNFPA envisions a world in which the rights of adolescents and youth are promoted and protected. Supporting adolescents and youth is a top priority for the Fund. As a way to address the needs of young people holistically, UNFPA often links reproductive and sexual health information and services with participatory programmes that foster life skills, livelihoods, and income-generation activities, and that promote human rights and gender equality.

The 1989 Convention on the Rights of the Child was the first international instrument to recognize adolescents' right to health, including their reproductive health. The Cairo Programme of Action called on governments to "*protect and promote the rights of adolescents to reproductive health education, information and care*".¹⁵ It also urged governments, in collaboration with NGOs, to give adolescents more opportunities to develop their full potential, to freely express themselves and have their views respected, and to live free of poverty and disease, including reproductive health hazards, discrimination and violence.

The Committee on Economic, Social and Cultural Rights (CESCR) has expressed concern over adolescent pregnancy, and in this regard has been a strong advocate for adolescents' right to reproductive and sexual health information and education as a means of reducing rates of adolescent pregnancy. The Committee has addressed discrimination against adolescent girls in the realm of education, recommending that pregnancy not interfere with a girl's ability to exercise her right to education.



The United Nations Special Rapporteur on the Right of Everyone To The Enjoyment Of The Highest Attainable Standard Of Physical And Mental Health, recalls the right of children to “access information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health”; respect of privacy and confidentiality, including in relation to medical information of adolescents; and protection against all forms of abuse, neglect, violence and exploitation.

Promoting gender equality

Gender-based discrimination and violence pervade almost every aspect of life, undermining women’s opportunities and denying them the ability to fully exercise their fundamental human rights and to play a powerful role in sustainable development and poverty eradication.

Whether by law or by custom, women in many countries still lack rights to own land and to inherit property; obtain access to credit; attend and stay in

school; earn income and move up in their work, free from job discrimination, and access services that meet their sexual and reproductive health needs.

For more than 30 years, UNFPA has been in the forefront of bringing gender issues to wider attention. Gender mainstreaming is an approach that cross-cuts all UNFPA programming, and promoting gender equality and women's empowerment is also one of our key thematic programme areas.

Eradicating gender-based discrimination requires the involvement of women and men in equal footing in decision-making at all levels. Toward this end, UNFPA promotes legal and policy reforms, gender-sensitive data collection, and supports projects that empower women economically and politically. Girls are particularly vulnerable to gender discrimination. The Human Rights Committee that monitors ICCPR¹⁶ asks States parties to ensure that girls and boys are treated equally in health care, education, and provision of food. It also specifically asks States parties to eliminate cultural or religious practices that prevent girls from exercising their rights under the International Covenant on Civil and Political Rights.

The Convention on the Elimination of All Forms of Discrimination against Women declares that States:

- Must act to eliminate violations of women's rights whether by private persons, groups, or organizations;
- Should endeavour to modify social and cultural patterns of conduct that stereotype either gender or put women in an inferior position;

- Should ensure that women have equal rights in education and equal access to information;
- Should eliminate discrimination against women in their access to health care;
- Should end discrimination against women in all matters relating to marriage and family relations.

Addressing violence against women

Violence against women is a continuum of acts that violate women's basic human rights. It includes physical, psychological and sexual harm or threats thereof, and it may be perpetrated within families, within communities, or by the State.

One of the most significant achievements in the last decade has been the recognition by the United Nations and a growing number of governments that violence against women is a human rights issue. For instance, the UN Declaration on the Elimination of

In Benin, the National Assembly adopted two landmark laws promoting reproductive health and rights in 2003, through a partnership between UNFPA, the Ministry of Health and a number of non-governmental organizations. One law outlaws female genital mutilation/cutting and the other affirms the right of men and women to be informed of and to use family planning methods of their choice.



Violence against Women (1993) recognized that “violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.”

UNFPA makes every effort to increase respect for women’s rights, to break the silence around gender-based violence, and ensure that the voices of women are heard. At the same time, the Fund works to shift the current social norms of masculinity that allow for conflict resolution through violence. UNFPA implements various interventions to help end gender-based violence, including advocacy, data collection on prevalence, analyzing indicators of change, encouraging male involvement, and training of police and service

providers. UNFPA actively supports policy and legal initiatives and national and community-based programmes with key stakeholders to combat violence against women and girls.

Over the past decade, gender-based violence has gained recognition as a human rights violation that can be eliminated through political will, mass communication campaigns and legal and civil action. The Vienna Declaration, for example, identified gender-based violence as a subject of international human rights law. ICPD called on governments to take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and girls. The Convention on the Elimination of All Forms of Discrimination against Women affirms that violence against women exists in all countries, and consistently asks for information and disaggregated data particularly when States parties’ reports do not present information on this issue.



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Advancing the rights of other neglected groups

Since the 1990s, more emphasis has been placed on securing the rights of historically neglected groups. These include persons with disabilities, migrant workers and ethnic, racial and religious minorities and marginalized groups and castes. Together these groups represent a sizable share of the poorest of the poor. They tend to fare the worst in terms of MDG indicators. They have higher rates of infant and maternal mortality and greater vulnerability to HIV. They have less access to education and limited participation in the government and social systems that affect their lives. They often have inadequate access to clean water and other resources, and may be pushed into fragile or degraded ecosystems. From a rights-based approach to the MDGs, they are entitled to priority attention by policy-makers given their extreme vulnerabilities to poverty and social exclusion.

The marginalized and socially excluded groups in various countries have remained largely invisible and voiceless, often ignored by national policies and laws. Though they face multiple forms of discrimination and social exclusion, which are in turn compounded by structural poverty and gender inequities, their rights have been largely overlooked. However, an international human rights framework to offer greater protection for these vulnerable groups, which also expressly recognizes the added dimension of gender discrimination, has been evolving since the 1990s. In the last decade special rapporteurs have been appointed to advance their rights.¹⁷

The situation of the world's 25 million internally displaced persons (IDPs) — the majority of whom are

Since 1998 there has been a policy in Colombia called Haz Paz (Make Peace). It aims to prevent, monitor and detect domestic violence, and to provide assistance in the areas of justice, health and protection. As part of this policy, and with UNFPA's support, in 1999 the Project on Comprehensive Attention to Victims of Sexual Violence was launched. The project aimed to improve the quality of the attention provided to victims of sexual violence, while helping to re-establish their rights.

women and children and from indigenous and ethnic minorities — is especially troubling.¹⁸ Their living conditions are often “unbearable”, without basic food, water, sanitation, housing, privacy or access to education and health services. Without land to cultivate, no employment options and their properties seized, IDPs easily become the poorest of the poor.¹⁹

Even though internally displaced persons represent more than two thirds of all people displaced by war, they lack the international legal protections granted to refugees who have crossed a border. In 1992, the Secretary-General appointed his first Representative on the Human Rights of Internally Displaced Persons' and in 1998 the Commission on Human Rights adopted Guiding Principles to establish standards for their protection. The Representative's 2005 report to the commission highlighted the “disproportionate burden from displacement” suffered by women and girls and emphasized their vulnerability to rape and domestic violence.

Conclusion

The promotion and protection of human rights are fundamental to the work of UNFPA. The ICPD and ICPD+5 placed population, reproductive health, and gender equality and women's empowerment in a human rights-based framework; it is a framework linked to development, sustained economic growth and sustainable development.

The intention is to promote the integration of human rights in UNFPA's work, both at headquarters and in the field. This represents the positive outcome of synergies between the Funds' efforts and the ongoing interaction with the human rights system, UN agencies and civil society.

In adopting the HRBA, UNFPA has introduced innovative and pioneering programme components that take into account the dignity and aspirations of people, creating the conditions for individuals to engage in a participatory process, which encourages them to make choices, exert freedom and expand their capabilities. It is this process of empowerment that can create a sense of entitlement and that can lead to the realization and enjoyment of human rights.

The real struggle is for everyone to enjoy "freedom from fear and freedom from want," as was declared by

leaders in the 2000 Millennium Summit. It is the quest for human dignity. Greater attention has to be paid to broader human rights issues. This is particularly true when dealing with the issues of gender equality, violence against women (including all forms of harmful practices), maternal mortality and morbidity, adolescent pregnancy, reproductive health and HIV/AIDS.

Arming individuals and communities with information about their rights, and with relevant skills and resources, can empower them to become agents of change and gain control over their own destinies.²⁰ Because rights-based approaches instill a sense of entitlement, they have a built-in sustainability. They can make a significant difference in the lives of those who have long been discriminated against or by-passed by development planning and decisions affecting their lives and communities.

Laws and procedures must be reformed, and existing rights protections better enforced. Both government and civil institutions must become more accountable for protecting rights. Education about human rights should be undertaken, and alliances developed among institutions concerned with rights. Internationally, human rights goals must be given greater priority in technical assistance programmes.

Notes

- 1 Jonsson, U. 2003. *Human Rights Approach to Development Programming*. Nairobi: UNICEF.
- 2 United Nations. "The Human Rights Based Approach to Development Towards a Common Understanding Among the UN Agencies." (2003).
- 3 Additional substantive elements of the human rights-based approach are found in the UN Secretary-General's *Programme for Reform* (1997), and *An Agenda for Further Change* (2001), which engaged UN agencies to make human rights a cross-cutting priority for the UN system.
- 4 In particular, the Committee on the Elimination of all forms of Discrimination Against Women (CEDAW), the Human Rights Committee (HRC), the Committee on Economic, Social and Cultural Rights (CESCR), and the Committee on the Elimination of Racial Discrimination (CERD)
- 5 Working from Within: Culturally Sensitive Approaches in UNFPA Programming. New York. UNFPA 2004.
- 6 Including the Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, Convention on the Rights of the Child, International Convention on the Elimination of Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination against Women.
- 7 An Operational Tool on the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) for UNFPA Programmes
<http://bbs2.unfpa.org/tsd/docs/CEDAW%5FOperational%5FTool%2Edoc>
- 8 General Recommendation 24, and, for example, Concluding Comments to Moldova 2000, Gabon 2005, Costa Rica 2003, Paraguay 2005
- 9 Office of the High Commissioner for Human Rights - Introduction to HIV/AIDS and Human Rights (<http://www.ohchr.org/english/issues/hiv/introhiv.htm>).
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- 18 In Larger Freedom: Towards Development, Security and Human Rights for All, Report of the Secretary-General, March 2005, A/59/2005.
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