

# WRITTEN STATEMENT BY THE SEXUAL RIGHTS INITIATIVE (SRI) FOR THE 47TH SESSION OF THE CPD

This statement is submitted by Action Canada for Population and Development, a non-government organization in consultative status with the Economic and Social Council since 2004, and endorsed by the Sexual Rights Initiative. The statement is based on the Hague Civil Society Call to Action on Human Rights and ICPD Beyond 2014. Action Canada for Population and Development is a non-profit advocacy organization that seeks to enhance the quality of life of all individuals by promoting progressive policies in the field of human rights and international development with a primary focus on reproductive and sexual rights and health. The Sexual Rights Initiative is a coalition of organizations that advocates for the advancement of human rights related to gender and sexuality within international law and policy.

We welcome the theme of the 47th session of the Commission on Population and Development (CPD), “assessment of the status of implementation of the Programme of Action of the International Conference on Population and Development” (ICPD). Many events have taken place to assess progress of the implementation of the Programme of Action. Civil society declarations made during throughout the review process have “identified further action required as well as new and emerging issues that must be acknowledged and addressed from a human rights perspective in the post-2015 development agenda.”<sup>i</sup> We reaffirm these declarations, including the “Hague Civil Society Call to Action on Human Rights and ICPD Beyond 2014”, from the “ICPD Beyond 2014 International Conference on Human Rights,” held in July 2013, and the Declaration from the “ICPD Global Youth Forum,” held in December 2012.

While much progress has been made, gaps remain in the implementation of the Programme of Action. Severe inequalities persist that are “deeply rooted in inequitable gender hierarchies and patriarchal notions of the need to control women’s and girls’ bodies and sexualities.”<sup>ii</sup> Despite commitments made in 1994

and during subsequent reviews, Governments continue to violate individuals’ sexual and reproductive rights by establishing and upholding discriminatory laws, policies and programmes, limiting access to sexuality education, sexual and reproductive health services, and perpetuating structural inequalities. These actions not only violate individuals’ human rights, but also limit their health and well-being and detract from the benefits associated with development.

In committing to the principles of the Programme of Action of the ICPD, and other international human rights treaties, Governments have an obligation to repeal or revise discriminatory laws and policies that violate individuals’ sexual and reproductive rights. This entails taking immediate steps to end the criminalization and other punitive regulation of consensual sexual activities, matters of reproduction, and gender expression, including:<sup>iii</sup> sex outside of marriage, same sex sexual activities, voluntary sex work and activities related to it, abortion, contraception, reproductive health information, and HIV transmission or non-disclosure of HIV status. Alongside the repeal of discriminatory laws and policies is the obligation to ensure that the legal and policy framework enables the realisation of sexual and reproductive rights.

***In realizing the right to health, Governments have the obligation to ensure the availability, accessibility, acceptability and quality of comprehensive and integrated sexual and reproductive health information and services, and remove any barriers that impede access to such services.*** To be available, they must be in good functioning facilities, with sufficient quantities and supplies. To be accessible, they must take into consideration physical location, service affordability, and other barriers related to stigma and discrimination based on age, gender, economic status, religion, marital status among others. To be acceptable to the populations for whom they are intended services and information must be gender-sensitive and youth-friendly. To be of the highest quality, they must be in line with quality of care standards. In line with international norms and guidelines, sexual and reproductive health services and information must be provided with

individuals' informed consent, with respect for their confidentiality, and without stigma or discrimination. Stigma surrounding services, including abortion, must be addressed through accurate education programs, ensuring that women and adolescent girls are able to feel comfortable and safe accessing services with full respect for their bodily autonomy, privacy and confidentiality. ***A comprehensive package of information and services must meet the sexual and reproductive health needs of all, and include the "widest possible range of contraceptives including emergency contraception, male and female condoms and other contraceptives, safe and legal abortion services, quality services for the management of complications arising from unsafe abortion, skilled birth attendance, emergency obstetric care, screening and treatment for sexually transmitted infections, HIV prevention, care and treatment, and prevention and treatment of infertility, maternal morbidities and reproductive cancers."***<sup>iv</sup>

Programmes must be developed in accordance with the human rights principles of: universality and inalienability, indivisibility, interdependence and interrelatedness, equality and non-discrimination, participation and inclusion and accountability and rule of law. They must recognize the diverse needs and realities of those they are intended to serve. This means recognizing that structural inequalities, related to gender, age, sexuality, ability, occupation, marital status, health status, ethnicity, geographic location, socio-economic status, among other factors, limit access to sexual and reproductive health information and services, and perpetuate harmful cultural and religious traditions, including early and forced marriage, female genital mutilation, dowry, polygamy and unpaid care work, as well as other human rights violations such as forced sterilisation, forced abortion and forced contraception. Gender inequalities are widely prevalent. Due to unequal and discriminatory power dynamics that perpetuate negative gender stereotypes and norms, women, girls and transgender individuals face heightened levels of poverty and lack of access to quality services and other resources such as education, and sexual and gender-based violence.

***Realizing women and girls' rights necessitates challenging inequitable sexuality and gender norms and promote gender equality.*** It requires reformulating "macroeconomic policies that perpetuate inequality, inequity and human rights violations and restrict availability, accessibility, acceptability and quality of sexual and reproductive health services, and removing economic barriers that prevent people, particularly marginalized groups, from accessing sexual and reproductive health services."<sup>v</sup> A commitment to realizing the rights of the most marginalized, especially women, adolescents and young people, persons having diverse sexual

and gender identities, indigenous peoples, people with disabilities, people living with HIV, sex-workers, Roma people, afro-descendants, dalits, people living in rural and remote areas, and others, means guaranteeing sexual and reproductive health and rights as human rights.

In a world of 7 billion, 45% of whom are below the age of 18, realizing young people's sexual and reproductive rights is critical to the achievement of the Programme of Action of the ICPD and broader development goals. It requires Governments to remove "legal, political and regulatory barriers that hinder the empowerment of young people in exercising and claiming their rights."<sup>vi</sup> ***Young people must also have their rights to education and to access information realized through their access to youth-friendly, non-judgemental, scientifically accurate and comprehensive sexuality education*** in both formal and informal settings, with supportive policy and legal frameworks in place, accompanied by teacher training, supervision and performance review mechanisms with young people, and adolescents, actively involved in the design, implementation, monitoring and evaluation of such programmes. All policy and decision-making affecting young people must be done with their meaningful and effective participation.

#### LOOKING BEYOND 2014, TO THE FORMULATION OF THE POST-2015 DEVELOPMENT AGENDA, GOVERNMENTS MUST:

- **Ensure the implementation of all human rights obligations related to the Programme of Action of the ICPD;**
- **Promote equality by tackling the root causes of structural inequalities;**
- **Eliminate inequality, stigma, discrimination and violence perpetuated against individuals on the basis of perceived sexuality, sexual orientation, health status, gender, marital status, occupation, ability, age, gender identity and gender expression;**
- **Eliminate laws and policies that impose barriers to access to sexual and reproductive health services and information including parental, spousal and guardian consent or notification**

laws, and laws criminalizing or in any way restricting girls' and women's access to safe abortion services and post-abortion care, among others;

- Ensure access to a comprehensive, accessible, and integrated package of sexual and reproductive health services, information and education free from stigma, discrimination and violence and with full respect for privacy, informed consent and confidentiality;
- Ensure sexual and reproductive health services are youth-friendly, recognizing, promoting and protecting young peoples' sexual rights as human rights, including their rights to bodily autonomy and integrity, and pleasure; and
- Empower individuals to exercise and claim their sexual and reproductive rights as human rights.

Accountability must be at the core of the Post-2015 development agenda. A commitment to accountability requires transparency and mechanisms to ensure the meaningful and effective participation of affected individuals and groups, including civil society organizations. In this regard, *Governments have the responsibility to respect, protect, promote and fulfil the sexual and reproductive rights of all individuals, ensuring that they are aware of their entitlements.* In doing so, they must take active steps to identify "accountability gaps and to address them through effective planning, adequate resources, and regular monitoring, evaluation, review and oversight."<sup>vii</sup>

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<sup>i</sup> Hague Civil Society Call to Action on Human Rights and ICPD Beyond 2014, from the ICPD Beyond 2014 International Conference on Human Rights, held in July 2013, in The Netherlands

<sup>ii</sup> Ibid.

<sup>iii</sup> Ibid.

<sup>iv</sup> Ibid.

<sup>v</sup> Ibid.

<sup>vi</sup> Ibid.

<sup>vii</sup> Ibid.

The Sexual Rights Initiative (SRI) is a coalition of organizations that advocates for the advancement of human rights in relation to gender and sexuality within international law and policy. The SRI focuses its efforts particularly on the work of the United Nations Human Rights Council, including its resolutions and debates as well as the work of the Universal Periodic Review mechanism and the system of Special Procedures. The SRI combines feminist and queer analyses with a social justice perspective and a focus on the human rights of all marginalized communities and of young people. It seeks to bring a global perspective to the Human Rights Council, and collaborates in its work with local and national organizations and networks of sexual and reproductive rights advocates, particularly from the Global South and Eastern Europe. The SRI partners are: Action Canada for Population and Development, Akahatá - Equipo de Trabajo en Sexualidades y Generos, Coalition of African Lesbians, Creating Resources for Empowerment in Action (India), Egyptian Initiative for Personal Rights, and Federation for Women and Family Planning (Poland).

For more information, visit: [www.sexualrightsinitiative.com](http://www.sexualrightsinitiative.com)

