



Major Gains on Sexual and Reproductive Health and Rights at the 35th Session of the Human Rights Council

The Sexual Rights Initiative, the Center for Reproductive Rights and the International Women's Health Coalition welcome the adoption on Thursday June 22, 2017 by the Human Rights Council of the following resolutions on: *Accelerating Efforts to Eliminate Violence against Women: Engaging men and boys in preventing and responding to violence against all women and girls (VAW)*, *Eliminating Discrimination against Women and Girls (DAW)*, and *Child Early and Forced Marriage in Humanitarian Settings (CEFM)*.

Despite hostile amendments put forward by some States and resistance around sexual and reproductive health and rights throughout the drafting process, all three adopted resolutions address critical issues facing women and girls and strongly urge States to fulfill their human rights obligations to women and girls, particularly in relation to their sexual and reproductive rights and their rights to be free from all forms of discrimination and violence at all ages.

We especially welcome the Council's re-affirmation of women and girl's autonomy, the importance of comprehensive sexuality education (CSE), and the human right to have control over all matters related to one's sexuality through these resolutions. We also congratulate the leadership of States in bringing forth new language that strengthens sexual and reproductive rights by condemning patriarchal norms, urging the repeal of laws that exclusively or disproportionately criminalize actions or behaviours of women and girls, and recognize the heightened risk of sexual and reproductive rights violations in humanitarian settings.

Despite these important gains, we also regret that sexual and reproductive health and rights, although they have been reaffirmed as key human rights by United Nations experts of the Treaty Monitoring Bodies, by United Nations Special Rapporteurs and by several Human Rights Council resolutions, are still being questioned, challenged and perceived as contentious issues. Particularly, inaccurate assertions regarding sexual and reproductive rights, rights related to sexuality and gender and women's rights more broadly continue to be instrumentalized to polarize and divide the Council. This was exemplified by the introduction of hostile amendments to the Violence Against Women and the Discrimination Against Women resolutions to delete references to comprehensive sexuality education (CSE) and women human rights defenders (WHRDs), despite this being agreed language in several resolutions of the Council. Moreover, an attempt to weaken the Discrimination Against Women resolution by replacing the word 'gender' by 'sex' was similarly put forward in a last minute oral amendment, contrary to established rules of procedure. All amendments to both resolutions were resoundingly defeated and the resolutions were adopted by consensus.

We thank all States that supported these important resolutions and especially civil society that mobilized quickly and effectively in their respective countries to ensure the successful adoption

of the texts. We also urge all states to take stock of the work of UN experts on sexual and reproductive health and rights and of the Vienna Declaration which states that “it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.” Lastly, we urge members of the Human Rights Council to uphold the highest standards in the promotion and protection of human rights, as agreed by all UN member states in UNGA resolution 60/251.

MORE INFO ON THE RESOLUTIONS

The resolution *Accelerating Efforts to Eliminate Violence against Women: Engaging men and boys in preventing and responding to violence against all women and girls*, led by Canada and co-sponsored by over 80 countries, calls on States to engage men and boys to take responsibility and be held accountable for their actions in public and private spheres, including online, and to challenge gender stereotypes and negative social norms, behaviors and attitudes that are among the root causes of violence against women and girls. The resolution further calls upon States to ensure that resources for initiatives to engage men and boys do not compromise resources for women and girls and that the concerns, rights, safety, empowerment and equal and meaningful participation in all decision-making of women and girls are prioritized. Critically, the resolution calls upon States to implement comprehensive sexuality education (CSE) as a means to address harmful social norms and achieve gender equality, to develop and enforce policies and legal frameworks and to strengthen health systems that make quality comprehensive sexual and reproductive health-care services, commodities, information and education universally accessible, and reaffirms that human rights include the right to have control over all matters related sexuality. Additionally, new agreed language was achieved on patriarchal norms, holding religious leaders (among others) accountable for not complying with and/or upholding laws and regulations relating to violence against women and girls, and recognizing that structural and institutional discrimination against women compounds violence experienced.

The resolution on *Eliminating Discrimination against Women and Girls*, led by Colombia and Mexico, and co-sponsored by over 50 countries, focused on the implementation of good and promising practices. Considerable language gains were made in regards to the right to bodily autonomy, naming of patriarchal norms, the right to be free from discrimination on the basis of gender (for the first time ever in a UN document in this context), recognizing that progressive laws alone are insufficient to bring about gender equality and that gender-biased environments impede the implementation of laws to eliminate discrimination against women, the existence of a democratic deficit due to barriers to women’s political participation and recognition of the important role of feminists and women human rights defenders. In addition, the resolution boldly calls upon States to: repeal all laws that exclusively or disproportionately criminalize actions or behaviours of women and girls, and laws that discriminate against them, based on any grounds,

including any custom, tradition or cultural or religious consideration contrary to the obligation to eliminate discrimination against women and girls; to implement CSE; to promote, protect and fulfil the right of all women to have full control over and decide freely and responsibly on matters related to their sexuality and sexual and reproductive health, free from discrimination, coercion and violence, including through the removal of legal barriers and the development and enforcement of policies, good practices and legal frameworks that respect the right to decide autonomously in matters regarding their own lives and health, including their bodies.

The resolution on Child, Early and Forced Marriage (CEFM) in Humanitarian Settings, led by the Netherlands, Sierra Leone, Argentina, Canada, Ethiopia, Honduras, Italy, Montenegro, Poland, Switzerland, the UK, Uruguay and Zambia, and co-sponsored by over 75 countries, notes with concern that the incidence and risk of child, early and forced marriage is highly exacerbated in humanitarian settings due to a number of factors including insecurity, gender inequality, increased risks of sexual and gender based violence, breakdown of rule of law and state authority, and the misconception that marriage provides protection, the stigma of pregnancy outside of marriage, absence of family planning services, a disruption of social networks and routines, increased poverty, and the absence of livelihood opportunities. It further recognizes gender inequality as the root cause of CEFM and that CEFM constitutes a serious threat to the full realization of the right to the enjoyment of the highest attainable standard of physical and mental health of women and girls, including but not limited to their sexual and reproductive health.

The resolution calls upon States and others to develop and implement holistic, comprehensive and coordinated responses, strategies and policies to prevent, respond to and eliminate child, early and forced marriage, including in humanitarian settings, and to support already married girls, adolescents and women, including through the strengthening of child protection systems, protection mechanisms, such as safe shelters, access to justice and legal remedies and the sharing of best practices across borders in full compliance with international human rights obligations and commitments. The resolution requests the Office of the United Nations High Commissioner for Human Rights to create a web portal to bring together and collate information relating to child, early and forced marriage, including in humanitarian settings; for the High Commissioner to provide a written report with input from all relevant stakeholders on child, early and forced marriage with a focus on humanitarian settings to the Human Rights Council at its forty-first session (June 2019), and to provide an oral update in this regard to the Council at its thirty-eighth session (June 2018).