



# Understanding reproductive rights. The global health agenda

---

Paloma Durán  
Complutense University  
Rome, March 2012



# Guideline

---

1. Definition of the right to health  
(Rights and policies)
2. Content of the right to health  
(Legal instruments & political tools)
3. UN: Entities & Main bodies & Funds and Programs
4. The right to health



# 1. Definition of the right to health

---

RIGHTS	POLICIES
1. Facts	1. Facts
2. Human goods	2. Political decision
3. Legal protection	3. Human & economic resources



# 1. Definition of the right to health

---

## CONSEQUENCES

A) Legal obligations: RIGHTS

B) Political commitments: POLICIES



## 2. The content

---

- The right to the enjoyment of the highest attainable standard of physical and mental health
- Inclusive right (safe drinking and water; safe food; adequate nutrition and housing; healthy working and environmental conditions; health-related education and information)
- Contains freedoms and entitlements



### 3. UN

---

MAIN BODIES	ENTITIES & FUNDS
1. Secretary General	WHO
2. General Assembly	UNICEF
3. Security Council	UN-WOMEN
4. ECOSOC	UNESCO
5. Administration	UNDP



## Legal & Political ways

<b>Differences</b>	<b>Legal instruments</b>	<b>Political Tools</b>
MANDATE	Main Bodies	Entities of the UN
EVALUATION & MONITORING	<ul style="list-style-type: none"><li>-Periodical reports</li><li>-Independent experts</li></ul>	<ul style="list-style-type: none"><li>-Meeting of the Functional Commissions</li><li>-Governmental</li></ul>
NATURE OF OBLIGATIONS	Legally	Politically



# Instruments

---

LEGAL	POLITICAL
Universal Declaration HR, 1948	Resolutions
Covenants 1966	World Assembly & Conferences





# Universal Declaration HR, 1948

---

## Art. 25.

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.



# International Covenant 1966

---

## **Article 11.**

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.
2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programs, which are needed:
  - (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
  - (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

## **Article 12**

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
  - (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
  - (b) The improvement of all aspects of environmental and industrial hygiene;
  - (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
  - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.



# WHO

---

- The right to health means that governments must generate conditions in which everyone can be as healthy as possible
- Such conditions range from ensuring availability of health services, healthy and safe working conditions, adequate housing and nutritious food



## 4. The right to health

---

General Comments n. 14 (2000)

- a) Elements of the right
- b) Obligations of the State

World Conferences  
Special Rapporteur



# General Comment n. 14 (2000)

---

Right to health. Elements:

1. Availability
2. Accessibility
3. Acceptability
4. Quality



# General Comment n. 14 (2000)

---

## **Availability**

Functioning public health and health care facilities, goods and services, as well as programs in sufficient quantity



# General Comment n. 14 (2000)

---

## **Accessibility**

Health facilities, goods and services accessible to everyone, within the jurisdiction of the State party.

Dimensions:

- Non discrimination
- Physical accessibility
- Economical accessibility (affordability)
- Information accessibility



# General Comment n. 14 (2000)

---

## **Acceptability**

All health facilities, goods and services must be respectful of medical ethics and culturally appropriate as well as sensitive to gender and life-cycle requirements





# General Comment n. 14 (2000)

---

## **Quality**

Health facilities, goods and services must be scientifically and medically appropriate and of good quality



# Obligations

---

1. **Respect:** Not to interfere with the enjoyment of the right to health
2. **Protect:** Ensuring that third parties (non-state actors) do not infringe upon the enjoyment of the right to health
3. **Fulfill:** Taking positive steps to realize the right to health



# World Conferences

---

- Cairo, 1994
- Beijing 1995
- Beijing + 5
- Beijing + 10
- Beijing + 10
- WHO

Political readings

Agreed language



# Understanding reproductive rights

---

- Right to health
- Life cycle
- Domestic legislation
- No mandate to international institutions