

ICPD + 15

15 Years Later: Commemorating Advances, Calling for Greater Accountability

The **Center for Reproductive Rights (CRR)** commemorates the 15 year anniversary of the **International Conference on Population and Development (ICPD)**, celebrating advancements for women's human rights and highlighting the ICPD's role in promoting recognition of reproductive rights as human rights. The Center calls upon governments worldwide to strengthen legal protections for women's reproductive rights, both by ensuring that national laws comply with the ICPD mandate and by supporting the development of international standards for greater government accountability.

Fifteen years ago, governments came together at the **ICPD** in Cairo. States explicitly recognized sexual and reproductive health and decision making as human rights and set priorities for the realization of those rights. The resulting international consensus document was agreed upon by 179 countries in 1994. Since then, the political commitments articulated within the **ICPD Programme of Action (POA)** have helped transform the international legal framework on reproductive rights, as well as national laws worldwide. What follows are some examples of key legal developments at both the international and national levels.

WHAT'S NEXT?

The legal developments at the international and national levels grounded in the **ICPD PoA** represent significant progress toward the realization of women's reproductive rights. Nevertheless, as statistics reveal, women's reproductive rights have yet to be fully realized. Advocates for reproductive rights face significant challenges as they seek implementation and enforcement of protective laws and work toward reform of discriminatory laws.

As we celebrate progress over the last 15 years, it should not be forgotten that the **ICPD** agenda is not negotiable; it is premised upon fundamental human rights. Governments must be held accountable for ensuring these human rights, both by the people they represent and by the international community. To help ensure international accountability, the **Center for Reproductive Rights** has brought cases before the UN Human Rights Committee, the UN Committee on the Elimination of Discrimination against Women, the European Court of Human Rights, and the Inter-

In 2005, more than **half a million** women died due to preventable complications from pregnancy and birth. **70,000** women die annually due to complications from unsafe abortion.

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100 to 140 million women have suffered FGM worldwide and an additional **3 million** girls and women undergo the procedure each year.

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In 2007, **61%** of the **22.5 million** people in sub-Saharan Africa living with HIV were women, most of whom were infected by their husbands/sexual partners. Nearly **12 million** children under **18** in the region have lost one or both parents to AIDS.

American Commission on Human Rights. These cases seek legal remedies for violations of binding reproductive rights norms.

It is essential that we keep human rights front and center as we celebrate the **ICPD** at 15. The **Center** thus calls on national governments, activists, civil society, international and regional human rights bodies, and international donors to take the following steps toward the recognition and protection of the human rights prioritized by the ICPD PoA:

To Governments Worldwide

- Reform laws that discriminate against women or impede women's ability to exercise their sexual and reproductive health and rights.
- Continue to harmonize national laws addressing sexual and reproductive health and rights with evolving international standards and norms.
- Through inclusive and transparent procedures, ensure meaningful participation of the communities most affected by laws and policies in the legislative and policy-making process.
- Develop effective national monitoring and accountability mechanisms to ensure that, when appropriate, public officials are subject to investigation and liability for infringing upon women's sexual and reproductive health and rights.
- Ratify international human rights treaties as a means to promote and safeguard women's sexual and reproductive health.
- Report to TMBs regarding compliance with human rights obligations that relate to women's sexual and reproductive health and rights, including by providing disaggregated data and information on the impact of the policies and programs developed.
- Take concrete actions to implement the concluding observations, recommendations and decisions of the international and regional human rights mechanisms.

To Activists and Civil Society Organizations

- Heighten advocacy efforts aimed at advancing women's sexual and reproductive rights by: bringing cases before national and international courts, submitting shadow letters and individual communications to UN Treaty Monitoring Bodies, and engaging with the Universal Periodic Review process of the Human Rights Council.

INTERNATIONAL LEGAL DEVELOPMENTS

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The principles of the **ICPD PoA** have contributed to the development of international human rights norms that protect women's reproductive rights.

- Since 1995, UN treaty monitoring bodies (TMBs) have increasingly recognized that reproductive rights are firmly grounded in international human rights treaties. The TMBs have articulated protections for reproductive rights, particularly in the areas of adolescents' right to reproductive health, maternal health care, and family planning. (See CRR publication series *Bringing Rights to Bear*).
- In 2003, the African Union adopted the protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol) providing broad protection for African women's rights, including reproductive rights.
- Most recently, in June 2009, the United Nations Human Rights Council adopted by consensus a ground-breaking resolution on "*Preventable Maternal Mortality, Morbidity and Human Rights*."

To International Human Rights Bodies

- Enhance and continue the monitoring of states' compliance with international human rights obligations in the area of sexual and reproductive health, including by examining the following concerns: access to safe and legal abortion, maternal mortality, access to family planning services, evidence-based sexuality education, and the reproductive rights of women living with HIV.

To the International Donor Community

- Fund national programs that enable governments to meet their international human rights obligations on sexual and reproductive rights; do not place conditions on funds that hinder governments' compliance human rights norms.
- Allocate funding for human rights accountability mechanisms and strategies as an essential part of development packages.

For women's rights and women's lives, the Center calls on world leaders to recognize their commitments under the ICPD PoA to take all necessary steps to realize women's sexual and reproductive health and rights.

NATIONAL LEGAL DEVELOPMENTS

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The **ICPD PoA** has paved the way for needed reform to advance women's reproductive rights in countries around the world.

- In 2007, Nepal adopted an Interim Constitution that provides broad protections to women's reproductive rights by stating that women have "the right to reproductive health and other reproductive matters."
- Reproductive health laws have been adopted in a number of countries—including Benin, Mali, and Uruguay—to ensure that sexual and reproductive health care is delivered in a manner that respects women's human rights.
- In 2008, the Colombian Constitutional Court struck down the country's total abortion ban, citing the **ICPD POA** to support its conclusion that "women's sexual and reproductive rights have finally been recognized as human rights, and, as such, they have become part of constitutional rights, which are the fundamental basis of all democratic states."