

MODULE 3

3

HUMAN RIGHTS, REPRODUCTIVE RIGHTS AND EMPOWERMENT

Module objective:

To have a common understanding of the meaning of human rights and some of the key reproductive rights-related concepts in the International Conference on Population and Development (ICPD), Fourth World Conference on Women (FWCW) and 'plus ten' documents: sexual and reproductive rights and health; gender equality and equity; and empowerment.

Why this module?

Understanding international consensus on rights, sexual and reproductive health

ICPD held in Cairo in 1994 marked a major shift in how the international community speaks about reproductive health matters. It has also led to some changes in how governments and international agencies implement programmes. The Cairo Programme of Action emphasises that all reproductive health services should be integrated and should be provided within primary health care, including HIV/AIDS services.

Given that HIV/AIDS is often associated with sexual behaviour, reproductive and sexual rights are an important aspect of HIV/AIDS programming. It is therefore important for NGOs working in the field of HIV/AIDS to be familiar with sexual and reproductive rights and health issues.

The key definitions agreed in Cairo are repeated and taken further in the Platform for Action of FWCW held in Beijing in 1995. Specific declarations such as the Barcelona Bill of Rights have been developed by gender and AIDS activists to emphasise sexual and reproductive rights along with other social, political and economic rights (Tallis 2002).

Having considered the concept of gender inequality in Module 1, from this module onwards additional key concepts within the ICPD and FWCW documents are considered by participants in terms of their intentions and challenges they raise for implementation in the local context.

The following documents are recommended for participants as reference materials:

1. Summary of Program of Action (POA) of ICPD
2. National Health Policy
3. Pakistan RH Services Package
4. Ten Years' Perspective Plan
5. National HIV/AIDS Strategic Framework
6. Why the Hudood Ordinance must be repealed (Shirkat Gah),
7. MDGs (Millennium Development Goals)
8. Pakistan NGO Review

All these documents describe human rights and protect human and reproductive rights. Government of Pakistan (GOP) is a signatory to ICPD POA.

Activities:

Activity 1: Human rights from a personal perspective (45 minutes)

Activity 2: Reproductive rights (1 hour and 30 minutes)

Activity 3: Power dimensions and rights in relationships between women and men (1 hour and 30 minutes)

Activity 4: Empowerment (1 hour and 30 minutes)

Activity 5: Human rights, gender equality and quality of care (40 minutes)



6 hours



Activity 1

HUMAN RIGHTS FROM A PERSONAL PERSPECTIVE¹



45 minutes

Objectives

- To understand concept of human rights
- To discuss importance of integrating a rights-based approach in services
- To understand concept of sexual rights

Why do this Activity

A human right is any basic right or freedom to which all human beings are entitled. These include the right to life and liberty, freedom of thought and expression, and equality before law. Human rights are inalienable, indivisible, interdependent and universal.

Human rights are based on respect for dignity and worth of each person as a member of a community, group or society. “All human rights are equally important; if even one right is not being fulfilled it can reasonably be said that the rights of that person, as a whole, are not properly respected”²

The rights-based approach is based on the principle that people are citizens with rights. It views health as a right rather than as a ‘consumption’ or ‘investment good’. Adopting a human rights approach to reproductive health carries many benefits because it emphasises the equality of all people and their inherent right to health. It argues that the promotion and protection of health are fundamentally important social goals and focuses particularly on the needs of the most disadvantaged and vulnerable communities.

Some basic elements of a rights-based approach are:

- Equity and equality
- Client-centered care
- Informed choice (they decide)
- Voluntary decision making (i.e. empowerment)

The right to health is interpreted as an inclusive right, extending not only to timely and appropriate healthcare but also to the underlying determinants of health such as access to health-related education and information. Other key human rights interlinked to health include education, nutrition, employment, healthcare, and violence.

Gender through its effect on access to and control over resources and opportunities has an effect on all these rights.

¹ Adapted from WHO, Transforming Health Systems: Gender and Rights in Reproductive health, 2001

² From Article 18 of the Vienna Declaration and Programme for Action

How to do the Activity

Step 1:

Divide participants into groups of five. Give each person the handout 'Personal accounts of rights being violated', which describes what each group should do. Tell the groups that they have 20 minutes for their discussion and to make notes on rights which they feel were relevant to stories they shared and those they think should be report back to the whole group.

Step 2:

Ask the first group to report on rights that they considered relevant to their group. Why did they see these as important? Note these rights on the board or flipchart. When listing rights put these in two separate columns: civil/political rights and economic/social rights. Each group adds to the list rights that have not been mentioned yet. Add those that are not internationally recognised under the column or category to which it is most closely related. At this point, do not go into details of the stories based on rights.

Step 3:

Brainstorm on the basic differences between animals and humans. Then discuss the concept of human dignity i.e. all those freedoms/actions that help maintain dignity of human beings as individuals 'superior' to animals (freedom to decide, speak, worship, choice, love, express oneself etc.)

Step 4:

Share with participants that the concept of human rights depends on liberties that enable man to maintain his/her dignity as a human being and therefore should be **RESPECTED, PROTECTED AND FULFILLED.**

Step 5:

In plenary define human right and write it on the board. The possible outcomes of the discussion are listed below:

Possible outcomes:

1. Human right is any basic right or freedom to which all human beings are entitled.
2. Right can neither be given nor taken away.
3. Human rights are inalienable, indivisible, interdependent and universal.
4. Some examples of human rights are shelter, water, food, education, health.

Step 6:

In plenary, brainstorm on the means governments adopt to reinforce human rights, where they originate from and where they are enshrined.

Possible outcomes

- Religion
- Constitutions
- International Declarations such as the UN Declaration of rights and freedom
- Societal structures (family, community, sect)

An important source of rights is also self (conscience)

Step 7:

Now give participants the case study 'Farzana' and ask them to read it individually. In plenary ask the following questions:

Do you think this is a true story? Have you heard a similar story before?

How does it make you feel?

Was Farzana respected? Which human rights have been violated?

- She was called 'jahil' and irresponsible (right to respect and dignity)
- The doctor laughed at her when she begged the doctor to deliver a boy (right to dignity)
- She was divorced (right to decision making)
- The pregnancy was unplanned (right to access/information/decide)
- She was sterilised without her consent (right to information, free choice and consent)

What could be the possible impact of this scenario on Farzana? (Stigma for being infertile, fear/shame/guilt, low self-esteem, anxiety and depression, access is reduced because she will not want to go back to the clinic)

How could Farzana have been respected i.e. what rights should have been provided by the service?"

- The clinic could have displayed information about contraception
- Her consent should have been taken for any procedure
- Her husband should have been informed that the male determines the child's sex
- The doctor should have given her due attention and time
- She should have been counselled about her options
- Sterilization should have been her decision.

Farzana

Twenty eight year old Farzana who goes to the local maternity home for the first time to deliver a baby. She is already a mother of five girls. This is her eighth pregnancy. Being an unplanned pregnancy, she attempts an illegal abortion in the fourth month but fails. She pleads the doctor to deliver a boy otherwise her husband will divorce her. The doctor finds this funny and calls her 'jahil' (illiterate, uncouth) and irresponsible. She begs the other staff but gets a similar response.

After a prolonged delivery, the doctor decides to operate on Farzana. A member of the staff hurriedly gets the husband to sign a consent form however explains nothing. During the procedure, the doctor performs a sterilization operation to "protect her from problems in future"

Farzana delivers a beautiful baby girl. Her husband is furious and decides to divorce her two months later – for she is incapable of providing him with what he wants.

Step 8:

Hand out copies of the Universal Declaration of Human Rights (UDHR). Allow participants five to seven minutes to read it. Tell them to skip the preamble and to start from article 1, and onwards.

Go through each right listed on the board or flipchart. Ask participants to identify which of UDHR's article most closely addresses it. If time is limited, choose only a few rights.

Human rights are ensured in the country context through laws, policies and practices. Having committed to international standards, governments are obliged to bring domestic laws in line with those as their national responsibility for all citizens.

Human right not included in a country's legal framework still remains a human right.



Note to
facilitator

Main points to bring out: There are identifiable violations of rights and obstacles to enjoying rights. Most of the rights' protections for issues we are concerned with are covered in international human rights documents. But existing standards need to evolve and be applied to new situations. There are different interpretations of rights. But the provisions in UDHR are written in such a way that all of the concerns can be covered. It is necessary to be clear about how rights language is being used: for advocacy, to make policy, for successful programming and so on.



- Personal Accounts of Rights being violated
- Universal Declaration of Human Rights

PERSONAL ACCOUNTS OF RIGHTS BEING VIOLATED

You have 20 minutes to finish these tasks. Appoint one group member to report back to the whole group.

1. Reflect on your life.
Spend two minutes alone, recalling an incident when you felt a right was violated.
2. Sharing.
Share your story with rest of the group if you feel comfortable.
3. Name rights.
At the end of each story, the person sharing should try to name rights she/he thinks were relevant to the story, and in what ways. Write these down. Group members are then free to suggest other rights they feel were relevant.
4. Develop a list.
Start a list of rights from these contributions. Each person shares a story until everyone has had a turn to speak. As the list of rights grows, each time a right is relevant to more than one person's story put an X next to it. If the group is large, try to restrict the stories to avoid repetition.
5. Look at systematic differences.
Are there systematic differences in the violation of rights that members of the group have reported on? For example, race, class and sex? In other words, are women more at risk of experiencing rights violation and more likely to report violation of the right to non-discrimination, compared to the others?

Universal Declaration of Human Rights

Adopted and proclaimed by General Assembly Resolution 217 (A) (III) of 10 December 1948.

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the

human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore, The General Assembly, Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 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.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.



Activity 2

REPRODUCTIVE RIGHTS



1 hour 30 minutes

Why do this activity?

Human rights, gender equity and reproduction

The module, 'Human Rights, Reproductive rights and Empowerment' shows that the international community, through United Nations, has committed itself to move away from problems associated with services focused on reducing fertility. It has agreed on a concept of reproductive rights which all countries should try to ensure for their citizens. This concept is in both ICPD Programme of Action and FWCW Platform of Action. Familiarity with this definition allows participants to draw on international agreements when motivating changes in their programming, as well as broader policy and programming changes in their respective countries.

Objectives

- Link contents of human rights approach to health services to concept of reproductive rights.
- Identify range of behaviours necessary to facilitate reproductive rights.
- Know where to find reproductive rights in ICPD Programme of Action.
- Identify how international consensus agreements can be useful in national or local advocacy.



Note to facilitator

You may discuss the following case study with participants to explain the linkages between a human rights approach to health services to the concept of reproductive rights.

Nasreen, 21 years old has been married to her cousin Javaid who is 26 years old, for over a year now. They knew each other before their marriage. Both of them work, Javaid as a truck driver and Nasreen in a local garment factory. Nasreen and Javaid feel that they do not want to have children for some time because they have just begun working and want to be financially comfortable before they plan a family. So they have been using contraception.

However there is a lot of pressure on them from their respective families to have a child immediately. Javaid has finally given in to pressure from his mother and has started forcing his wife to have unprotected sex with him.

Questions:

1. What rights are upheld in this story?
2. Which reproductive rights are violated?

How to do the activity

Step 1: 30 minutes

Handout

Distribute Handout: ‘Reproductive Rights’ which provides the definition of reproductive rights and a series of questions. If at this point the group members are comfortable with each other and working as a whole you can use the questions to run an open discussion in plenary. If the group is big or some members are very quiet in plenary, then divide them into smaller groups. Ask each group to have their own discussion on the questions provided. In that case, the timing provided here will not allow for group report-backs.

Following ideas should emerge from participants’ discussions on each question

Why is the issue of freedom from ‘discrimination, coercion and violence’ central to the concept of reproductive rights?

For many people sexual relations are associated with violence, including domestic violence which is not recognised by all countries as a violation. Youngsters in some countries are ambiguous about what constitutes choice - if a young woman says she does not want sexual intercourse, the young man may not believe her, and may force her into intercourse. Incest is another major problem facing both young boys and girls. These situations, while in the first instance are breaches of ‘sexual rights’, (to be discussed in the next activity) may make women pregnant and hence violate women’s reproductive rights. The concept of reproductive rights is intended to cover all such situations, emphasizing that she should never become pregnant against her will or without having had the opportunity to make a decision; as to whether or not the couple wants and is capable of accepting responsibility for a child.

Why are “needs of their living and future children and their responsibilities towards the community” relevant to individuals’ reproductive decision-making?

Every child has rights. A child should be loved and cared for to enable him or her to grow up with a sense of self-esteem and the possibility of contributing positively to society. In addition, children have the right to basic necessities such as housing, food, clothing, education and healthcare (Convention on the Rights of the Child 1989). Before becoming pregnant, a woman should consider whether she wants a child and will give her or him the required love and care. Likewise, before making a woman pregnant, a man should consider the same points.

From this perspective, having a child needs to be considered in relation to responsibilities for existing children. The issue of ‘future children’ is a reference to the long-term sustainability of the world’s resources particularly of non-renewable resources. These have to be consumed rationally to ensure their availability to future generations. While this is seldom in the minds of individuals making personal decisions about child-bearing, it is an important issue especially at national level. It is important to increase people’s sense of responsibility to their children, and to increase their awareness regarding over consumption of resources.

Why are ‘mutually respectful and equitable gender relations’ a prerequisite for reproductive rights?

Reproduction results from sexual relations between men and women. Without mutual respect, communication on their reproductive desires and implications of having or not having a child in future and responsibility toward other children already a part of the family, may not be possible.

Childbirth affects a woman’s health. It is a man’s responsibility to ensure her good health – which includes enough food, access to health services and safe pregnancy.

Also, a pertinent question at this point is: who will undertake childcare? This should be the responsibility of both man and woman. Therefore, mutual respect and equitable gender relations are of utmost importance to discuss issues openly. The burden and benefits of childrearing should be shared by the two equitably.

Step 2: 50 minutes

When the discussion is complete, give participants copies of

Handout

- ‘The Universal Declaration of Human Rights’ (UDHR) and
- ‘The Convention on the Elimination of All Forms of Discrimination Against Women’ (CEDAW).

Plenary

Explain to participants the significance of international agreements: population conferences, such as ICPD held in Cairo, and ‘womens’ conferences such as FWCW held in Beijing every 10 years. Countries come together to define reproductive rights. They then implement these agreements. Also multi-national agencies, are expected to match their programmes with the agreements made at the population conferences. However, these ‘ten-year’ conferences are not legally binding.

The only international agreements which are legally binding are treaties such as the Declaration of Human Rights, CEDAW, or the Convention on the Rights of the Child. Countries choose to sign and ratify these agreements, after which, they are accountable to implement them. United Nations bodies which monitor these agreements ask each country to report on implementation every few years. In this way they are monitored. NGOs can send the monitoring bodies information to help in their task. These NGO reports are called ‘shadow reports’.

If your participants’ country has signed or ratified the agreements, then they can lobby to implement agreements. If their country has not signed, NGOs can advocate for them to sign, and thereby become part of international consensus.

Tell participants that they can find their own country’s reports on internet.



Note to
facilitators

UN Conventions and Conferences¹

The main difference between conventions or treaties (used interchangeably) and conferences is that conventions or treaties legally bind the states that signed them whilst conferences express a consensus and political will to act on an issue of interest. When a convention is adopted, the international community starts to act to make the treaty legally binding upon signatory states. This is done through the process of ratification. Once the agreed number of states has ratified a convention, it is deemed to be binding on all signatory states.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), like many other human rights treaties, lays down governmental obligations corresponding to individual rights and freedoms. These are worked in abstract terms to provide a general legislative framework to be applied worldwide. Once the convention is agreed and its terms come into force they are not renegotiated as circumstances change. Following CEDAW's ratification by 20 states in 1981, the signatory governments are bound to incorporate its terms into national law. This means that the core obligation is to adopt human rights norms as part of domestic law and apply them in policy and practice.

Conferences aim at raising the visibility of an issue and forge a political commitment by individual governments and the international community around a topic of particular interest. These commitments are generally broader than governmental legal obligations. The consensus reached at international conferences, as an expression of the world's conscience, can be a powerful instrument for promoting change. For example, the Programme of Action of the International Conference on Population and Development (ICPD) and the Platform for Action adopted at the Fourth World Conference on Women (FWCW) are international consensus agreements that strongly support gender equality and women's empowerment.

The consensus documents of the ICPD and other conferences are intended to lead to action. Five and ten year reviews have assessed progress towards the agreed goals, identified obstacles and set new benchmarks. The 'ICPD+5' follow-up, for example, took place in 1998 and 1999 in a series of events culminating in a special session of the General Assembly. The special session adopted a document on key actions for the further implementation of the ICPD Programme of Action. While endorsing all of the provisions of the ICPD Programme of Action, it went beyond that document in certain areas, including the reproductive rights of adolescents and of women in emergency situations.

A similar process of assessing implementation is in place for countries that have ratified human rights treaties. They are required to report regularly on the action that they have undertaken to ensure the exercise and enjoyment of the specified rights. Established bodies monitor the implementation of rights instruments. Treaty bodies offer recommendations and interpretations to assist in monitoring, reviewing and evaluating the international human rights treaties. Their recommendations can take several forms. Some clarify treaty provisions, for example, by specifying actions that states, groups or

¹Adapted from: Tomasevski, K., *A Primer on CEDAW for International Development Co-operation Personnel*, SIDA, 1998 and UNFPA, *The State of the World Population, Lives Together Worlds Apart, Men and Women in a Time of Change*, New York, 2000.

individuals should take. These monitoring bodies can also define standards and recommend actions needed to protect or expand a right. NGOs may also submit ‘shadow reports’ along with the report submitted by the state.

The Committee on the Elimination of Discrimination against Women monitors implementation of the CEDAW. Only a small number of countries report to the committee each year. The impact of recommendations and rulings gains from their general relevance and cumulative application.

The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women was ratified by ten countries and entered into force on 22 December 2000. The Optional Protocol is a legal instrument that will enable victims of gender discrimination to submit complaints to the Committee on the Elimination of Discrimination against Women. By accepting the protocol, a state would recognise the Committee’s competence to receive and consider complaints from individuals or groups of individuals within its jurisdiction in cases where they have exhausted domestic remedies. The Committee may also conduct inquiries into grave or systematic violations of the Convention.

Small group work

Divide participants into groups of two or three each. Ask participants to skim through the two treaties you have handed out (the Universal Declaration of Human Rights and CEDAW) and look for rights which are relevant to reproductive rights. Make clear that they do not have time to read the treaties in detail. They should just try to pick up a few examples of rights that are necessary in order for people to enjoy reproductive rights. This step will help them to see how the enjoyment of reproductive rights requires a range of different rights which are agreed on by the international community.

Walk around and listen to the groups. If they are struggling to do this activity then guide them by showing a relevant article in the Declaration.



Note to facilitators

Examples of ideas that may come out of looking at the treaties:

The Universal Declaration of Human Rights Article 3 talks about ‘security of the person’ which links to the discussion participants had on the definition of reproductive rights. They discussed ‘coercion and violence’. This article protects people from coercion and violence by committing to ‘security of person’.

Article 4 on slavery is relevant in the situation of trafficking in women where again they would have no control over whether or not to have children.

Article 5 says that ‘no one shall be subjected to degrading treatment’. Participants may identify this as a right that can be used to promote a new approach to health service users — that they should be treated with dignity and respect.

Article 6 can be linked to the issue of whether women are able to make their own reproductive choices, or whether their husbands make these decisions. If women are legal minors, they cannot have reproductive rights, since their lives are controlled by their fathers or husbands or sons.

Article 8 says that ‘All are equal before the law and are entitled without any discrimination to equal protection of the law’. This can be applied to the right of all people irrespective of ethnic group or sexual orientation to equal access to health services.

Article 19 on ‘the right to freedom of opinion and expression’ may be important when developing information and education programmes that

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) preamble notes that all people are entitled to all rights and freedoms described, irrespective of their sex. Article 5 requires governments ‘to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women’. This supports educational activities as well as advocacy for gender equality including in relation to reproductive decision-making. Article 10 ensures that there should be no discrimination in ‘access to educational information to ensure the health and well-being of families, including information and advice on family planning’ which may be particularly important where women are not allowed outside home. Article 11 provides for ‘the right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction’, which is important given that people’s reproductive capacity may be impaired by exposure to certain chemicals such as lead.

Step 3: 10 minutes

Plenary

Bring the group back to plenary. Ask them if they can imagine using any of these agreements to promote changes in their own country. Ask for examples. Remind participants how the definition of reproductive rights includes that government is responsible for policies and programmes on reproductive health.



- ↳ Copies of handouts for each participant.
- ↳ When preparing for this activity, check whether your country has signed or ratified the Universal Declaration of Human Rights and CEDAW.



Health, Empowerment, Rights and Accountability, ‘Reproductive Rights’, *Women’s Sexual and Reproductive Rights and Health Action Sheets*, New York: Hera Secretariat, 1997.

Petchesky, R., ‘Rights and needs: rethinking the connections in debates over reproductive and sexual rights’, *Health and Human Rights*, 2000; 4(2): 17-29.



- Handout: Reproductive Rights
- Handout: The Convention on the Elimination of All Forms of Discrimination Against Women

‘Reproductive rights’

“reproductive rights embrace certain human rights that are already recognised in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents. In the exercise of this right, they should take into account the needs of their living and future children and their responsibilities towards the community. The promotion of the responsible exercise of these rights for all people should be the fundamental basis for government- and community-supported policies and programmes in the area of reproductive health, including family planning. As part of their commitment, full attention should be given to the promotion of mutually respectful and equitable gender relations and particularly to meeting the educational and service needs of adolescents to enable them to deal in a positive and responsible way with their sexuality. Reproductive health eludes many of the world’s people because of such factors as: inadequate levels of knowledge about human sexuality and inappropriate or poor-quality reproductive health information and services; the prevalence of high-risk sexual behaviour; discriminatory social practices; negative attitudes towards women and girls; and the limited power

Questions for discussion

- The definition of reproductive rights includes freedom from ‘discrimination, coercion and violence’. Do people experience discrimination, coercion or violence in reproductive relationships? In what way? Why is it important for government and NGOs to address discrimination, coercion and violence?
- Why are individuals expected to consider ‘the needs of their living and future children and their responsibilities towards the community’ when making reproductive decisions? Do men usually do this? Do women usually do this?
- The definition of reproductive rights includes ‘mutually respectful and equitable gender relations’.
Are most reproductive relationships mutually respectful and equitable? In

Programme of Action of the International Conference on Population and Development, Cairo 1994, paragraph 7.3 and repeated in the Fourth World Conference on Women Platform of Action, Beijing, paragraph 95.

Convention on the Elimination of All Forms of Discrimination against Women

Adopted and opened for signature, ratification and accession by General Assembly Resolution 34/180 of 18 December 1979

- Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,
- Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,
- Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,
- Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,
- Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,
- Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,
- Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,
- Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,
- Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,
- Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,
- Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity will promote social progress and development and

to the attainment of full equality between men and women,

- Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,
- Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,
- Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,
- Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article 1

For the purposes of the present Convention, the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III**Article 10**

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
 - (a) The right to work as an inalienable right of all human beings;
 - (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
 - (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work; *
 - (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
 - (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
 - (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
 - (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
 - (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
 - (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.
 3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;

(c) * Reference:

A This clause supported by ILO's Equal Remuneration Convention which is widely ratified in the region calls for "Equal pay for work of equal value as a rate of pay fixed without discrimination based on sex"

1 including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of

- the provisions of the present Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
 - (a) To participate in the elaboration and implementation of development planning at all levels;
 - (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
 - (c) To benefit directly from social security programmes;
 - (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
 - (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;
 - (f) To participate in all community activities;
 - (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
 - (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

- (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
 - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
 - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
 - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who

obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.
6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.
7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.
8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:
 - (a) Within one year after the entry into force for the State concerned;
 - (b) Thereafter at least every four years and further whenever the Committee so requests.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general

recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.



Activity 3

Power dimensions and rights in men's and women's relationships



1 hour 30 minutes

Why this activity?

Inequality within sexual relationships

Sexual relationships are a source of both pleasure and danger in most societies. Sexuality is a central part of human experience and should contribute towards our sense of wellbeing, and towards strengthening our intimate relationships. However, inequalities between men and women in sexual decision-making frequently undermine the quality of sexual relationships, and at worst put women in danger of ill-health, and indeed, of death. But both men and women, whether in heterosexual or homosexual relationships, can be endangered by the inability of individuals to communicate openly about sex and sexuality.

Lack of information about sexuality can undermine people's ability to understand their bodies, and hence to enjoy the sexual experience. Inequality between sexual partners can also put the partner with less power — usually women — into a position where they are afraid to talk to their partners. For example to discuss the need to practice safe sex. Women frequently describe how they will not suggest using a condom for fear of being beaten by their partner or reveal that they have acquired a sexually transmitted disease for fear of being labelled promiscuous. These difficulties indicate that HIV prevention activities cannot stop at telling people to 'abstain', 'be faithful', or 'use a condom', which is the current 'ABC' message in many countries. This is not enough, because people may not be able to implement these in a context of gender inequality. Hence it is important to challenge the underlying gender inequality within sexual relationships.

At the Fourth World Conference on Women held in Beijing in 1995, the international community asserted that:

The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences. (paragraph 96)

This position is frequently referred to as ‘sexual rights’ although the actual words ‘sexual rights’ are not in the Beijing Platform. It reinforces that for women to control their sexuality, unequal gender relations have to be challenged even in the intimate terrain of sexual relations.

Many health issues which are linked to sexuality, such as HIV/AIDS, require interventions which are different from reproductive health interventions, and even target different people. For this reason it is important for participants to be able to conceptualise sexual health separately from reproductive health, and sexual rights separately from reproductive rights. The content of sexual health is discussed further in Module 4, Activity 3.

While many NGOs are familiar with the concept of ‘reproductive rights’, they have seldom considered the meaning of ‘sexual rights’ or the reasons why it may be necessary to mobilise around sexual rights. This activity helps to consider why sexual rights are important and what sorts of activities can be undertaken to promote sexual rights.



Note to
facilitators

Like the concept of ‘gender’, the concept of ‘sexual rights’ may not be easy to translate into one word. You need to identify an appropriate word or group of words which capture the meaning of sexual rights, as agreed upon in Beijing. The concept of the right to decide if, when and how to have sexual relations is the key point — that is, women’s right to control their own bodies and sexual relations; and men’s right to control their own bodies and sexual relations.

Objectives

- distinguish between reproductive and sexual rights;
- identify how lack of sexual rights leads to vulnerability towards HIV/ AIDS and violence against women;
- identify actions that government, their own organisations and they as individuals can take to promote sexual rights.

How to do the activity

Step 1:

Put up the Overhead: ‘Sexual Rights’, followed by the overhead on ‘Sexual Rights include:’

Read the paragraphs to participants. Tell them that the concept of sexual rights is being used to help people see how underlying issues behind problems such as HIV/AIDS and violence against women are those of gender inequality. Tell them that because so many human rights abuses are in the area of sexuality, the international community has developed a position on the right of individuals to control their own sexuality.

Step 2:

Divide participants into three or four groups and give each group to read the handout on ‘Sexual Rights in Pakistan’. They should discuss and then identify one or more sexual rights violated corresponding to each statement.

Step 3:

Give out Handout: Power dimensions and rights in relationships between men and women.

Divide participants into two groups giving them one case study each. Ask participants to read the case study individually, after which they will discuss it as a group following questions given in the case study.

Step 4:

Bring the group back in the plenary. Ask them to present the essence of their discussion. You may want to write up the questions on a piece of paper so that participants can follow them easily.

Sexual rights include:

- 1. Right to sexual pleasure without fear of infection, disease, unwanted pregnancy, or harm.**
- 2. Right to sexual expression and to make sexual decisions that are consistent with one's personal, ethical and social values.**
- 3. Right to sexual and reproductive health care, information, education, and services.**
- 4. Right to bodily integrity and choice of if, when, and how to engage in sexual relations.**
- 5. Right to enter into relationships, including marriage, with full and free consent and without coercion.**
- 6. Right to privacy and confidentiality in seeking sexual and reproductive health care services.**
- 7. Right to express one's sexuality without discrimination and independent of reproduction.**



Note to
facilitator

In Plenary lead the discussion to the following questions:

1. Do similar conditions (AIDS; rape) exist in your community?

The likelihood is that most participants live in communities where there are social justice and health problems related to sexuality, such as sexual violence - whether incest or rape — and transmission of sexually transmitted diseases. There may be other problems such as trafficking in women — selling of women and children into sex work against their will.

2. What kinds of rights need to be ensured in these kinds of situations?

Depending on the case studies answers may vary but normally it will include right to bodily integrity, right to enter into relationship free from coercion, right to sexual pleasure without fear of infection, disease or harm, etc.

3. Why are sexual rights different from reproductive rights?

Whereas reproductive rights concern right of people to choose if, when and how many children to have, sexual rights are relevant at all times to people's lives, whether or not they have children, whether or not they want children. Sexual rights are also relevant at all ages, since children can suffer sexual abuse, and people are sexually active into old age, when they are no longer concerned with childbearing.

4. What are the barriers to promoting sexual rights in your community?

In identifying barriers to promoting sexual rights, consider barriers at the individual level (such as women's own sense of self, their confidence etc. and men's sense of how they should behave sexually in order to meet their own expectations of masculinity) as well as social barriers, such as cultural assumptions about how men and women should behave sexually. Also consider institutional barriers such as whether there is legislation against sexual violence against women, whether there is life skills education in the school curricula etc.

5. What could government and civil society do to promote sexual rights?

Governments supported by civil society, are responsible for providing laws and policies which promote sexual rights. These include provision of life skills education in schools, laws against violence against women, including against rape, and laws against women trafficking. They are also responsible for providing services which promote sexual rights for example access to services for sexually transmitted diseases for all people, whether adolescent or

6. What can your organisation do to promote sexual rights?

Organisations can commit to incorporating the concept of sexual rights in the work they currently do. Organisations can do advocacy for government to change laws and policies so that they are in keeping with international agreements. They can do advocacy for governments to implement existing policies.

Organisations can build community awareness of the concept of sexual rights and build capacity of women and men to protect their own sexual rights and act responsibly towards their sexual partners.

Although men tend to have more power in sexual relationships, organisations can also empower men in understanding and promoting sexual rights. For example, a man pretends to be sexually experienced because society expects it from him. This might prevent him from asking questions to learn about sexuality and safe sex.

Organisations can offer health services which promote sexual rights.

7. What can you do to promote sexual rights?

Individuals can commit to talking more openly with their sexual partners about their sexual relationships. They can commit to using condoms or only having sex with one partner. They can commit to educating their family members about the importance of acknowledging and promoting sexual rights and related responsibilities. They can commit to challenging abuses of sexual rights as they come across them in their personal or professional lives.

Participants may be uncomfortable with talking at personal level. As the facilitator, it is important to point out that we cannot promote sexual rights in our organisation or community if we are not comfortable talking about it and practising it in our



Conclude the session by highlighting the importance of documents like ICPD, Beijing and others which bring to the forefront neglected rights.

- ↳ Flipchart paper.
- ↳ Markers.
- ↳ Copies of handouts for each participant.

In addition , an evening before this activity or by lengthening the time for this activity, you can give participants newspapers and magazines and ask them to cut out relevant articles.on issues relevant to sexual rights.



Klugman, B., '*Sexual rights in Southern Africa: A Beijing discourse or a strategic necessity?*' *Health and Human Rights*. 2000; 4(2): 132-159.

Geeta Rao Gupta, '*Strengthening alliances for sexual health and rights*', *Health and Human Rights*, 1997; 2(3): 55-64.

Health, Empowerment, Rights and Accountability, '*Sexual Rights*', *Women's Sexual and Reproductive Rights and Health Action Sheets*, New York: Hera Secretariat, 1997.



- Hand out 1: Case Studies: Power Dimension and Rights in Men's and Women's Relationships
- Hand out 2: Sexual Rights in Pakistan



- Overhead 1: Sexual Rights
- Overhead 2: Sexual Rights include:

Sexual Rights

“The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its

Power Dimensions and Rights in Relationships between Men and Women

Issue: RAPE

Case Study 1 :

Salma (20) used to visit her friend Razia at her house quite often. Once she requested Razia to ask her husband to find her a job. Razia's husband asked Salma to see him the next afternoon. Razia was out to pick up her children from school when Salma went to their house the following day.

Taking advantage of the situation, the husband raped Salma. He later blackmailed her into having sex with him and threatened to send her nude photographs and videos to her family and friends. Salma lived under this threat for almost a year. During this period her health declined and she became depressed and resigned to her fate. At this stage Salma somehow mustered the courage to confide in a member of WAR (an organization working on the issue of rape), who gave her the necessary help and she got rid of the culprit within a few weeks.

- HRCF found sharp rise in cases of rape over the last decade, with estimates suggesting one woman was raped every two hours in the country as against one every three hours at the start of 1990.
- According to a newspaper report in August, 118 reported incidents of rape had taken place in Lahore by July, 2000.
- According to a newspaper compilation of cases, from January to December 2004, over 300 cases of rape had been reported from across Punjab.

QUESTIONS FOR DISCUSSION

Are you familiar with similar incidents in your communities?
What kinds of sexual rights need to be ensured in such situations?
Why are sexual rights different from reproductive rights?
What are the barriers to promoting sexual rights?
What can government do to promote sexual rights?
What can your organization do to promote sexual rights?
What can you do to promote sexual rights?

Issue: STD

Case Study 2:

Nazia lives in the mountains of Swat. Her husband grows vegetables on a small piece of land. The money he earns is not sufficient for raising their three children. He often goes to big towns with his friends in search of employment. He returns home after three weeks and Nazia starts having abnormal vaginal secretions. She tries traditional medicines but does not get any relief. She consults the health visitor of the area. After studying the symptoms, the health visitor suspects Nazia may have contracted STDs. Nazia tells her that she suspects that her husband has sexual relationships with other women when he goes out of town. But she can never discuss it with him.

- According to UN report “Monitoring Reproductive Health”, knowledge about RTI symptoms is quite high (86%) among currently married women. Approximately half of the women reported experiencing back pain as the most common RTI symptom, followed by hip pain in about 33% of women and vaginal discharge/bleeding in some 25% of women.
- Nearly 50% of women have no knowledge about STDs while nearly 33% recognize one or more symptoms.

QUESTIONS FOR DISCUSSION

Are you familiar with similar incidents in your communities?
What kind of sexual rights need to be ensured in these kinds of situations?
Why are sexual rights different from reproductive rights?
What are the barriers to promoting sexual rights?
What could government do to promote sexual rights?
What could your organization do to promote sexual rights?
What can you do to promote sexual rights?

Sexual Rights in Pakistan

- Fourteen year old bride admitted to hospital with uncontrolled bleeding due to vaginal tear
- Husband suffering from penile discharge refuses to use condom with wife despite wife's protest
- Husband refuses to permit wife to use contraception after fifth child
- Scared twelve year old boy scolded by father for being 'dirty minded' when he asked about his first wet dream
- Twenty two year old girl raped by her fiancé when she refuses to have intercourse with him
- Fourteen year old girl believes her monthly period is because she has blood cancer
- Eighteen year old boy threatened by father to marry an older cousin or risk losing his inheritance
- Eleven year old daughter of a labourer married to a 36 year old man living and working in Dubai
- Gynaecologist calls up office of woman banker who tested positive for HIV and reports her results to manager
- Enraged mob burns the house of a transsexual (hijra) talking on a radio show about his sexual identity and the discrimination he has had to bear all his life



Activity 4

EMPOWERMENT



1 hour 30 minutes

Why do this activity?

This activity is divided in two parts. In the first part, participants are explained what empowerment means from an individual point of view. Empowerment is referred to as a way to increasing political, social, or economic strength of individuals, particularly members of groups that have been traditionally excluded from the decision-making process through social discrimination based on race, gender, ethnicity, caste etc. In economic development, it is an approach based on mobilizing self-help efforts of poor rather than providing them with handouts: “giving a person a fish versus teaching a person how to fish”.

Empowerment is a multi-dimensional social process that helps people gain control over their own lives. It is a process that fosters power (i.e. the capacity to implement) in people. Empowerment is:

Multi-dimensional: in that it occurs within sociological, psychological, economic, and other dimensions. It also occurs at various levels such as individual, group, or community.

Social: in that it is a social process since it occurs in relationship with others.

While we cannot give people power and cannot ‘make’ them empowered, we can provide opportunities, resources, and support that they need to develop the capacity to make responsible decisions about their lives i.e. to be empowered.

In the second part of the exercise, work on ways in which the international community has come to recognise that it is necessary to support women in gaining confidence and skills to be able to protect and promote their own sexual rights and health. But it cannot be achieved within a narrow approach of service provision. Rather, active steps need to be taken to change conditions of women’s lives and their status in society.

The empowerment of women can be facilitated, but it is not a ‘top-down’ exercise. Empowerment is about accessing power which is held by those who control ‘material assets, intellectual resources and ideology’. Women are frequently powerless, in that they control neither material resources nor decision-making power. They may not even have control over resources they use daily — from land they work, to their labour, to their bodies.

The exercise provided asks participants to consider three different approaches to empowerment - integrated development, economic empowerment, and consciousness raising. They all emphasise different dimensions of empowerment. A lesson from

experience is, however, that ‘different aspects of empowerment are linked and that progress in one area cannot be sustained without attention to others. For example, reproductive rights cannot be fully exercised where women’s lack of independent economic resources undermines their freedom to make choices.’ (Oxaal 1997)

Organisations of women or other popular organisations which recognise the need to empower women have to develop strategies to enable them to make independent decisions. While NGOs, as intermediary organisations, can sometimes facilitate this role, it usually requires the existence of popular organisations; that is organisations at grassroots in order to achieve anything beyond some strengthened capacity at the individual level. Since women’s empowerment requires changes in social values it usually requires collective action.

Empowerment is a process rather than only an end-point. Thus, well before changes in policy or programming have been achieved, women may have built their confidence in their right to demand change and to participate in processes of shaping the policy agenda.

NGOs need to interrogate their role in promoting improvements in women’s status in society. In addition, however, they need to interrogate what role they can play in the empowerment of women to achieve such changes. They need to consider how men can contribute towards women’s empowerment.

This activity aims to help NGOs understand types of activities which can support women’s empowerment and to consider how such activities might go beyond building solidarity among women and meeting basic needs. It explains how to build women’s ability to promote fundamental changes in their social status in society. It also aims to help them identify what roles are appropriate for men to play in women’s empowerment activities.

Objectives

- To conceptualize empowerment at a personal and individual level
- To identify the requirements to facilitate empowerment in individuals
- To describe and assess different approaches to empowerment
- To describe why empowerment is central to the achievement of sexual and reproductive rights and health
- Identify actions that their own organisations can take to promote women’s empowerment
- Identify roles that men can play in empowerment of women

How to do this activity

Step 1:

Define the word ‘empowerment’ after brainstorming with participants on the meaning of the word. You may want to also explore the issue of power defined as the ability to make someone (or self) do something that he/she will not do otherwise.

Here are some examples of characteristics people may come up with in reference to power: control, authority, decision-making, strength, money, information, knowledge, education, confidence and self-esteem. One way in which we can empower people is by providing them one or more of these characteristics, in other words we provide them power.

Share the following information about empowerment with the help of a transparency “Empowerment”:

Step 2:

Explain how empowerment is an ability to make voluntary responsible decisions. Ask the participants what they believe “a good decision” means.

Outcomes you need are:

- Voluntary
- Informed (aware of pros and cons and subsequent outcomes)
- Best possible option for individual (respect one’s personal rights)
- Best possible option for society (respect for other people’s rights)

Step 3:

Ask participants: what is required to make a ‘good’ decision? How can our services/programmes ‘empower’ individuals? Use an example of a married woman having three small children, and the last one is one year old. Her husband works in the United Arab Emirates and comes home for short visits once a year. She suspects that he has other partners. As she neither wishes to have another pregnancy nor get an infection from him she wants him to use the condom.

Outcomes you need are:

- Information/knowledge about sexual and reproductive health, diseases, options, pros and cons of options.
- Attitude: confidence, positive body image and positive self-esteem, self-control.
- Skills: communication skills, negotiation skills, and respect for her partner.
- Enabling environment: laws, policies etc.
- Gender equity and equality.
- Awareness of rights.

Step 4:

Ask participants: what are the barriers in empowering our target groups, for example young people or IDUs? What are the main obstacles?

Step 5:

Go back to participant's definition of 'Empowerment' Briefly describe the genesis of the word. Introduce this session by talking about the ICPD commitment to women's empowerment and that the international community has come to recognise the need to support women in gaining confidence and skills to be able to protect and promote their own sexual rights and health. But that this cannot be achieved within a narrow approach to service provision. Rather, active steps need to be taken to change the condition of women's lives and, most importantly, their status in society.

Distribute the Handout: 'Empowerment and Women's Status (ICPD)'. Ask a participant to read out the handout. Then explain that the handout again refers to agreements among countries of the world about what they should be aiming to achieve. Brief participants on the concept of empowerment using the points below.

Point out that one of the complex issues NGOs face is around their role in relation to empowerment. Different NGOs play different roles.

- Some provide services.
- Some undertake advocacy for changes in policies or programmes.
- Some monitor government delivery on its commitments to international agreements such as CEDAW or national policies.
- Some support grassroots organisations in mobilising, identifying their priorities for action, and getting their voices heard.

Within each of these activities, the question arises as to how NGO activities should support the empowerment of women:

- the process of building women's confidence and ability to speak for themselves and
- the process of changing gender norms, that is the way society values and treats women.

While the first process is usually done by women with women, both men and women need to facilitate the second process - changing social values.

Empowerment is critical for the achievement of gender equality as well as sexual and reproductive rights and health. As the previous activities have shown, a central requirement for achieving human rights is the ability to act. The activity on gender (Module 1, Activity 2) identified 'internal resources' as important resources to control. This means that women and men need to have confidence and self-esteem. This is central to empowerment. However, even with control over these resources, without control over decision-making, economic, informational and other resources, one cannot achieve gender equality or sexual and reproductive rights and health. This exercise therefore explores different dimensions of empowerment and different approaches to achieving empowerment. Participants should consider limitations of different approaches.

A related question that NGOs need to consider is how they ensure all their work supports the process of improving women's position in society.

Step 6:

Tell participants that this session will consider:

- What sorts of actions can empower women and
- How NGOs can promote women's empowerment in all of their activities.



Note to
facilitator

It is important that participants do not feel that men are being left out. Men have critical roles to play in creating an enabling environment for women's empowerment. Both as individuals, in their sexual, family and community relationships, and through the work that they do, men should be working towards gender equality. Gender equality requires women's empowerment.

However, it is also legitimate for women to organise themselves without men for some activities to promote empowerment.

Many men also feel disempowered at times. For men to take a stand against gender inequality requires their own empowerment. Men describe how they are ridiculed when they do domestic work or when they show emotions. They too need the confidence and capacity to act to promote equality. Some organisations are directing their attention to men's role in disempowering women. They are trying to get men to self-reflect and empowering them to change gender norms about how they should behave. In this way, they are working with men to create an enabling environment for women's empowerment.

Many activities required for women's empowerment go far beyond issues of consciousness, to questions of control over various kinds of resources. Here too, men have a role to play.

Encourage participants to think about the roles of men and women when they do this activity to avoid a situation in which men feel left out and do not recognise that both men and women have responsibility for promoting women's empowerment.

Also, walk around and listen to the group discussions. Push participants to critique different approaches.

Step 7:

Divide participants into groups, ideally with everyone from one NGO in the same group. Give them Handout: 'Empowerment: Three Approaches'. Ask them to read this handout and then discuss questions on the handout.

There is no need for a report-back on this exercise.



Overhead: "Empowerment"



Hand out 1: Empowerment and the Status of Women

Hand out 2: Empowerment: Three approaches

Empowerment

Empowerment aims at increasing the political, social, or economic strength of individuals, particularly members of groups that have been traditionally excluded from decision-making processes through social discrimination based on gender, ethnicity, caste or religion. Empowerment is a multidimensional process that helps people gain control of their own lives. Individual change is essential for empowerment. Although we cannot give people power and we cannot make them 'empowered', we can provide the opportunities, resources, and support they need to become empowered.

Empowerment and the Status of Women

“**T**he empowerment and autonomy of women and the improvement of their political, social, economic and health status is a highly important end in itself. In addition, it is essential for the achievement of sustainable development. The full participation and partnership of both women and men is required in productive and reproductive life, including shared responsibilities for the care and nurturing of children and maintenance of the household. In all parts of the world, women are facing threats to their lives, health and well-being as a result of being overburdened with work and of their lack of power and influence. ..The power relations that impede women’s attainment of healthy and fulfilling lives operate at many levels of society, from the most personal to the highly public. Achieving change requires policy and programme actions that will improve women’s access to secure livelihoods and economic resources, alleviate the extreme responsibilities with regard to household, remove legal impediments to their participation in public life, and raise society’s awareness through effective programmes of education and mass communication. In addition, improving the status of women also enhances their decision- making capacity at all levels, in all spheres of life, especially in the area of sexuality and reproduction...” (ICPD 4.1)

All countries should make greater efforts to promulgate, implement and enforce national laws and international conventions to which they are party, such as the Convention on the Elimination of All Forms of Discrimination against Women ... and to implement fully the Declaration on the Elimination of Violence Against Women ... Countries are urged to sign, ratify and implement all existing agreements that promote women’s rights. (ICPD 4.5)

“Countries should act to empower women and should take steps to eliminate inequalities between men and women as soon as possible by: a) Establishing mechanisms for women’s equal participation and equitable representation at all levels of the political process and public life in each community and society and enabling women to articulate their concerns and needs; b) Promoting the fulfilment of women’s potential through education, skill development and employment, giving paramount importance to the elimination of poverty, illiteracy and ill-health among women; c) Eliminating all practices that discriminate against women; assisting women to establish and realize their rights, including those that relate to reproductive and sexual health; d) Adopting appropriate measures to improve women’s ability to earn income beyond traditional occupations, achieve economic self-reliance, and ensure women’s equal access to the labour market and social security systems; e) Eliminating violence against women; f) Eliminating discriminatory practices by employers against women, such as those based on proof of contraceptive use or pregnancy status; g) Making it possible, through laws, regulations and other appropriate measures, for women to combine the roles of child-bearing, breast-feeding and childrearing with participation in the work-force”. (ICPD 4.4)

Empowerment: Three Approaches

Three experimental approaches to empowering women have been undertaken in South Asia: integrated development, economic empowerment, and consciousness-raising. While these approaches differ from each other in concept, most organizations working on the ground take a mix of approaches. Common to all three is the importance placed on group formation to build solidarity among women.

The **integrated development approach** views women's development as key to the advancement of family and community. It therefore provides a package of interventions to alleviate poverty, meet basic survival needs, reduce gender discrimination, and help women gain self-esteem. This approach proceeds either by forming women's collectives that engage in development activities and tackle social problems such as dowry, child marriage and male alcoholism, ... or by employing an 'entry point' strategy, pursuing a specific activity, such as a literacy class or health programme, to mobilise women into groups.

The **economic empowerment** approach attributes women's subordination to lack of economic power. It focuses on improving women's control over material resources and strengthening women's economic security. Groups are formed using two methods: organising women around savings and credit, income generation, or skill training activities; or by occupation or location. These groups may work in a range of areas, including savings and credit, training and skills development, new technologies or marketing, as well as provide such ancillary supports as child care, health services, literacy programmes, and legal education and aid.

The **consciousness-raising** approach asserts that women's empowerment requires awareness of the complex factors causing women's subordination. This approach organises women into collectives that tackle the sources of subordination. Education is central and is defined as a process of learning that leads to new consciousness, self-worth, societal and gender analysis, and access to skills and information. In this approach, the groups themselves determine their priorities. Women's knowledge of their own bodies and ability to control reproduction are also considered vital. The long-term goal is for the women's groups to be independent of the initiating NGO. This approach uses no particular service 'entry point' and attempts to be open-ended and non-directive. It gives considerable emphasis to fielding 'change agents' who are trained to catalyse women's thinking without determining the directions in which a particular group may go."

Source: Batliwala, S. (The meaning of women's empowerment: new concepts from

QUESTIONS FOR DISCUSSION

1. To what extent does each of these approaches aim to meet women's needs in their daily lives, and improve their status in society? To what extent do they challenge inequality between women and men?
2. Can economic empowerment facilitate gender equality in general? For example, do women who own their own land, or earn and control their own incomes necessarily have sexual and reproductive rights?
3. Can consciousness-raising alone facilitate gender equality in general? For example, can women who are confident of their own rights to control their sexuality always do so? Can women who are confident that they have the right to choose if and when to have children always do so? If not, why not? What other factors need to be addressed?
4. Does your organization take any specific steps for women's empowerments? If yes, how?
5. Does your organisation's approach adequately promote women's ability to function as equals in society? If so, how?
6. Does it specifically promote women's right to make decisions about reproduction and sexuality? If so, how?
7. Does it recognize that women should drive their own processes? If so, how?
8. Does it build men's understanding of and commitment to women's equality and empowerment?
9. Do donor goals conflict with processes, time and investment required of an 'empowerment' approach? How?
10. Do donor-NGO relationship with government (politicians or health officials) contradict with their goals to support the ability of women to mobilize for change? How?



Activity 5

3

HUMAN RIGHTS, GENDER EQUALITY AND QUALITY OF CARE



40 minutes

Why do this activity?

Gender,
human rights
and service
quality

This activity gets participants to think about and debate on concepts of gender, human rights and service quality. Participants have to take a stand on reproductive health issue. Frequently people working in the health field are unfamiliar with concepts of gender equality or human rights. Usually they are more confident about quality of care. By exploring these in a game format they begin to understand how concepts apply to their own area of work. The activity clarifies positions on these issues but most importantly inter-linkages are demonstrated. In particular, gender equality is a human right. It is helpful for people to point out how human rights, beside gender equity and equality, intersect with gender considerations. This activity is a lot of fun and people have to get up and move around and argue. From this point of view the exercise is also an energiser.

Objectives

- To identify inter-linkages between gender relations, human rights and service quality.

How to do this activity¹

Step 1: 5 minutes

Handout Distribute the handout on 'Quality of Care' for participants to read

Step 2: 25 minutes

Find an open space to do this activity — either an empty space in a room or outside. Write 'Gender', 'Human Rights' and 'Quality of Care' in large print on three flipchart sheets. Mark three areas in the room. Either place these labels on three walls or on the floor. Ask all the participants to stand in the centre of the space. Tell participants that NGOs often have to deal with

¹ Adapted from PATH, 'Take a stand', *Interpersonal Communication and Counselling: a Training-of-Trainers' Curriculum*, Washington, DC, PATH, 1995.

problems that undermine sexual and reproductive rights and health. Tell them that you have marked three areas and show them where they are. Tell them you are going to read a statement about a problem and they must move to one of the three areas depending on if they think the issue that the statement brings up is a gender issue, a human rights issue or a quality of care issue. Once you have read the statement ensure all people move to one spot or another; tell them they have to **TAKE A STAND**.

Once they have moved, ask someone from one spot to explain why they are standing where they are. Then ask a member of another group the same question. Thus you allow participants to explain their position. You may find that some debate develops. Allow this to go on for a bit. Then say, “let’s look at another issue”, and read another statement. Again ensure everyone moves, then begin the discussion again. Suggest that if people are convinced by an argument, they move to join another group. Again, do not let it go on too long and move on to another statement. You can go on as long as you like. It is good to stop the exercise when it is still fun.

The point that needs to come out is that frequently all issues are of concern. There are inter-linkages between them; addressing gender equality is a human rights issue and will often lead to better quality services.

Some people are not comfortable with human rights or with gender equality but may in fact be arguing for abortion services (for example) from a quality of care point of view. If you have groups who are working in advocacy it is worth pointing out that it can be strategic at some points to call something a quality of care issue, even if it is at heart a human rights and gender equality issue. It may allow more people to support a particular change in service composition.

The statements below are included in the exercise to guide you. Statements more appropriate to local circumstances may be developed. It is a good idea to know how to stimulate the discussion. This can be done by preparing questions that may challenge a point of view. The statements below have been annotated to assist you.

Before each statement say: “Is the following action a problem of gender inequality, poor quality of care, or a human rights violation?”

Possible statements:

- Providing only Depo Provera (long acting injectable hormonal contraceptives) for poor people.
- Marriage of girls less than 16 years of age.
- Not providing childcare facilities for working mothers.
- Promoting condoms only as other methods of contraception do not protect against HIV infection.
- Providing maternal health services only where there is a hospital which can do Caesarean sections.
- Not providing services for domestic violence because it is a private issue to be discussed within families.

- Not providing quality obstetric and gynaecological care.
- Women should give written consent from husband to test for HIV.
- Anti-retrovirals distributed free at government centres for male clients nominated by district ‘nazim’ only.
- No provision for safe abortion services for HIV positive women.
- Mandatory pre-marital testing for HIV for women.
- Ineligibility for HIV positive women to get registered for marriage at the union council registry office.
- Paying dowry.
- Mandatory sterilisation for HIV/AIDS positive women.
- Marriage of girls less than 16 years of age
- .

Step 3: 10 minutes

Overhead At the end of the session put up the overhead to show linkages. Use an example from the debate during ‘Step 1’ to illustrate linkages.



Note to
facilitator

Arguments which may come up with some of the statements:

- **Exclusive promotion of Depo Provera (long acting injectable hormonal contraceptives) for poor people**
 People saying it is a ‘quality of care’ issue may argue: a fundamental of quality of care is choice to suit individual health needs — one method does not offer a choice. People saying ‘human rights’ may argue: this assumes that poor people should not have a method that can fail, they cannot control their own lives so medical technology should control them. Or poor people have the same rights as others -- they too should have a choice of methods. People saying ‘gender’ may argue: this specifically denies poor women a choice. It discriminates against women. It uses issues related to women’s bodies as the basis of national policy action rather than allowing them to control their bodies.
- **Promoting condoms only as other methods of contraception do not protect against HIV infection**
 People saying it is a ‘gender’ issue may argue that ‘promoting condoms only as method of contraception’ limits women’s ability to control their bodies as condoms are a male controlled method. They may argue that there are no accessible methods currently available to women for protection against pregnancy and HIV, thus reflecting gender discrimination in terms of priority to technology research.
 People saying ‘human rights’, may argue that everyone deserve to be fully informed and to take independent decisions.
 People saying ‘quality of care’ may argue that one of the cornerstones of quality services is choice; fully informed choice and range of methods to choose from. This may require more than the promotion of condoms.

- **Paying dowry**

People saying it is a ‘gender’ issue may argue that it promotes social norms within a marriage that values girls less. It also perpetuates preference for sons as parents do not have to pay dowry for them.

People saying that this is a ‘human rights’ issue may argue that a dowry treats girls as commodities and promotes marriage as an institution where women cannot make their own decisions about themselves and their bodies.

This is not a health service issue, but the low status of women in society makes women more vulnerable to illnesses and limits their access to healthcare.

- **Mandatory sterilisation for HIV/AIDS positive women**

People saying it is a ‘quality of care’ issue may argue that family planning methods should be available to women tested HIV/AIDS positive.

People saying it is a ‘human rights’ issue may argue that mandatory sterilisation is an abuse of women’s rights to decide when and how to have children.

Those arguing it’s a gender issue may say that men are not sterilised and therefore there is a gender imbalance. They may maintain that usually women are sterilised.

- **Providing services for domestic violence is not possible as it is a private issue and discussed only in families**

People saying it is a ‘human rights’ issue may argue that everyone should be free from coercion and violence, and it is a basic human right to avail a service when required.

People saying this is a ‘gender’ issue may argue that domestic violence is due to lack of mutual respect and unequal power relationship between man and woman. It is due to unavailable services that it is not highlighted.

People saying it is a ‘quality of care’ issue may argue that ‘comprehensive services’ means including all services that people will need.

- **Not providing post abortion care**

People saying it is a ‘quality of care’ issue may argue that not providing this service means that comprehensive care is not provided.

People saying this is a ‘human rights’ issue may argue that it is the right of a person to have comprehensive and good quality care.

People saying this is a gender issue may argue that this discriminates against women - since only they get pregnant and have abortions, and hence at risk of possible complications. Abortions often results from gender inequalities. Not providing this service means that health services fail to meet gendered needs.



- ↳ Flipchart.
- ↳ Markers.



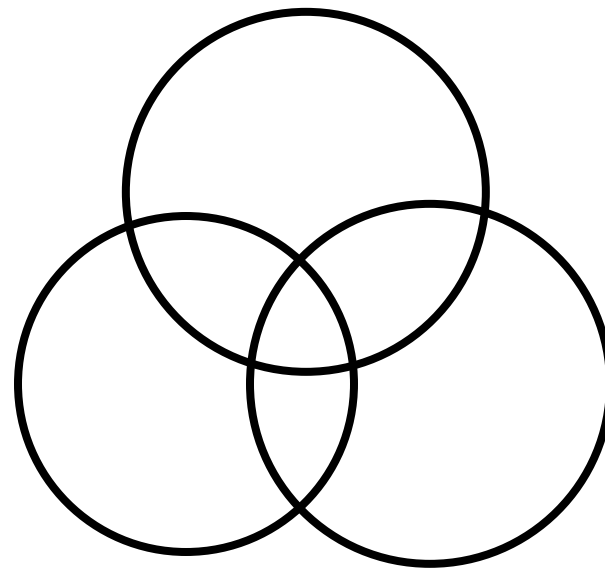
- Overhead: Overlapping of gender, human rights and quality of care



- Handout 1: Quality of Care

Human rights, gender equality and quality of care

Quality of care



Human rights

Gender relations

Module 3 • Overhead 1 • Activity 5

Quality of Care

Quality of Health Care consists of the proper performance (according to standards) of interventions that are known to be safe, that are affordable to the society in question, and that have the ability to produce an impact on mortality, morbidity, disability, and malnutrition. (WHO)

At its most basic, providing good quality means ‘doing the right things rights’. In health care and family planning this means offering a range of services that are safe and effective and that satisfy clients’ needs and wants. From a public health perspective, quality means offering the greatest health benefits, with the least health risks, to the largest number of people, given the available resources. It can also be defined largely as satisfying clients’ wishes, or offering an appropriate array of services.

Quality can refer to the technical quality of care, to non-technical aspects of services delivery such as clients’ waiting time and staff’s attitudes, and to programmatic elements such as policies, infrastructure, access, and management.

Quality of care is closely linked to accessibility. Access means more than the mere existence of a nearby health worker or facility. When a facility lacks properly trained staff, opens irregularly, suffers from supply shortages, charges high prices, or blocks care with unnecessary medical barriers, the community does not have adequate access to services. Improving the quality of services helps programs pursue their goal of making services universally available.

According to the widely known Bruce-Jain framework, there are six elements of quality of care;

- Choice of methods
- Information given to clients
- Technical competence
- Interpersonal relations
- Mechanisms to encourage continuity
- Appropriate constellation of services

The IPPF framework of quality of care has added ‘Access’ as another basic element of quality.

Some Basic Indicators in Pakistan

Percentage of population in rural areas	67%
TFR 1994	5.4%
TFR 2000-01	4.8%
CPR mid-80's	18%
CPR 2000-01	28%
Literacy 1990-91	35%
Literacy 1998	45%
Female literacy increase from 1990-91 to 1998	20-30%
IMR	82 per 1000 (Male 99 per 1000; females 71 per 1000)
MMR 1990-2002	300-700 per 100,000
Poverty	34%
HDI (rank 142: UNHDR 2003)	0.499%
GDI (rank 120: UNHDR 2003)	0.469%
GEM (rank 64: UNHDR 2003)	0.414%
Deliveries attended by skilled attendant	20%
Mean age at Marriage Female	21.70
Labor Force Participation Rate 15-64 years	84.60M 15.40F
Life Expectancy at Birth Combined	59.00
Life Expectancy at Birth Female	58.85
Negative sex ratio	100 Female 109 Male

TFR: Total Fertility Rate; CPR: Contraceptive Prevalence Rate; IMR; Infant Mortality Rate; MMR: Maternal Mortality Rate; HDI: Human Development Index; GDI: Gender Development Index; GEM: Gender Empowerment Measure (from ICPD 10 year on – Pakistan Report)

Reference: From “ICPD 10 years on” – Shirkat Gah’s Publication 2004

