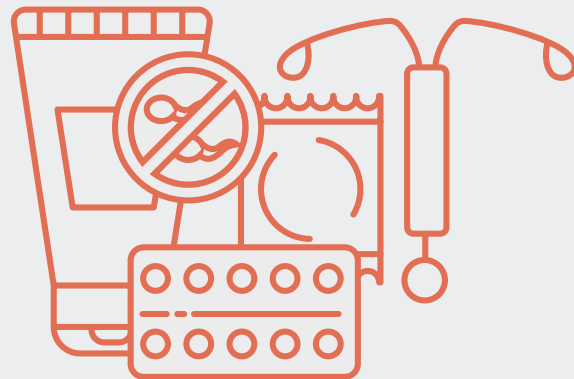


# Contraception & Human Rights

This resource provides information on applying a human rights based approach to advocacy for contraception access.



## Principles of Human Rights

**Universality and inalienability:** everyone is entitled to them and they cannot be taken away

**Indivisibility and interdependence:** all human rights have equal status and they cannot be separated from one another, the fulfillment of one right is dependent upon the fulfillment of all other rights

**Equality and non-discrimination:** all people are entitled to the full range of human rights without

distinction on the basis of race, ethnicity, gender, sex, age, religion, political opinion, national origin, sexual orientation, disability or any other status

**Participation:** all people must be able to meaningfully participate in decisions that impact their lives and well-being

**Accountability:** states must address past harms and correct systemic failures to prevent future harms

## International Human Rights

*Human rights provide a framework to advocate for change at any level of society, from the grassroots to the chambers of the United Nations. They set out globally accepted principles, standards and legal requirements necessary for all people to live a life of dignity, free from any form of discrimination.*

**Human rights offer a variety of tools that advocates can use to challenge the laws, policies and structures that deny the basic rights and freedoms to which we are all entitled.**

## Human Rights Based Approach



When advocating for our rights, we can take a human rights based approach. This means identifying **rights holders** and their entitlements

and corresponding **duty bearers** and their obligations. It works towards strengthening the capacities of rights holders to claim their entitlements and duty bearers to meet their obligations.



### Duty bearers have obligations to:

**Respect:** Not to interfere with the enjoyment of human rights

**Protect:** Ensure that third parties don't interfere with the enjoyment of human rights

**Fulfill:** Take positive steps to ensure the realization of human rights

## Access to comprehensive contraceptive care is a human right

Access to a **full range of contraceptive options** enables people to exercise their sexual and reproductive rights. Contraceptives substantially reduce the risk of unintended pregnancy and support people in making decisions about their fertility that are right for them at each stage of life. Access to contraception is integral to the exercise of the right to the highest attainable standard of physical and mental health. It also engages the rights to life, to be free from discrimination, to freedom of opinion and expression, to benefit from scientific progress, and to work and education.

In order to uphold the right to access contraception, governments must ensure not only that contraception is legally accessible on paper, but that it is:

- **Available**, meaning a wide range of contraceptive methods is part of all countries list of essential medicines, there are an adequate number of medical providers trained and willing to prescribe them, and pharmacies carrying adequate stock
- **Accessible**, meaning anyone seeking contraceptives can access them without barriers or discrimination, within safe physical and geographic reach, and with the information necessary to do so
- **Acceptable**, meaning people can choose the options that are best for them at that time, with access to information on the

## Contraception in the International Human Rights Framework

The right “to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice,”<sup>1</sup> and to decide “freely and responsibly on the number and spacing of [one’s] children and to have access to the information, education and means [...] to exercise these rights”<sup>2</sup> is explicitly affirmed in the UN human rights framework.

### States are obliged to respect, protect, and fulfill all human rights, including access to contraception. In real life, this may look like...

**Respect:** Not passing laws or policies that restrict access to contraceptives or prioritize access to some methods over others

**Protect:** Preventing interference with access to a full range of contraceptives, such as combating misinformation on emergency contraception

**Fulfill:** Designating a full range of contraceptives as essential medicines, and allocating sufficient budgetary resources to ensure everyone has access

benefits, risks, and effectiveness of each option, and with the right to refuse a procedure or drug at any point

- **Of good quality**, meaning services and information are medically appropriate, evidence-based, and responsive to scientific and technological advances, such as scientifically approved and unexpired drugs, and with care that is free of stigma.



<sup>1</sup> United Nations Population Fund. Programme of Action of the International Conference on Population Development. (United Nations, 1994). para 7.2.

<sup>2</sup> United Nations General Assembly. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). (United Nations, Treaty Series, vol. 1249, 1979). art. 16, pt. 1(e).

Access to contraceptives is impacted by **underlying and social determinants**, marginalization, and discrimination.

**Underlying determinants** may include adequate sanitation and access to food and water, housing, safe and healthy working environments, access to information and education, and freedom from all forms of violence and discrimination. **Social determinants** are rooted in unequal distributions of power and social inequalities, such as poverty, systemic racism, and discrimination on the grounds of gender, disability, sexual orientation and gender identity, and other social categories.

**The right to contraceptive access extends to these determinants.**

### Key human rights instruments and resources

- [CESCR General comment No. 22 \(2016\) on the right to sexual and reproductive health](#)
- [Human Rights Committee General Comment No. 36 \(2019\) on the Right to Life](#)
- [Convention on the Elimination of All Forms of Discrimination Against Women \(CEDAW\)](#)
- [Programme of Action of the International Conference on Population Development](#)
- [OHCHR Information Series on SRHR - Contraception](#)
- [The Rights to Contraceptive Information and Services for Women and Adolescents - UNFPA and Centre for Reproductive Rights](#)
- [UN Advocacy Tool](#)
- [Status of Ratification Interactive Dashboard](#)
- [UN Treaty Body Database](#)
- [Special Procedures of the Human Rights Council](#)
- [Action Canada Neglected Areas Toolkit - Contraception](#)
- [UNFPA Human Rights-Based Approach to Family Planning: Support Tool](#)
- [WHO Guidance and Recommendations on ensuring human rights in the provision of contraceptive information and services](#)

“States parties must address the social determinants as manifested in laws, institutional arrangements and social practices that prevent individuals from effectively enjoying in practice their sexual and reproductive health.”<sup>3</sup>

Young people are particularly affected by barriers to contraception access, as well as the impacts of these restrictions. Complications from pregnancy and unsafe abortions are the leading causes of death for girls between 15 and 19 years old globally.<sup>4</sup> The Committee on the Rights of the Child has affirmed that states “should provide adolescents with access to sexual and reproductive information, including on family planning and contraceptives.”<sup>5</sup>

In order to make free and informed decisions about their sexual and reproductive life, everyone must have access to clear and accurate information without pressure or coercion. This means being treated with respect in regard to personal beliefs and preferences and being able to exercise at all times the right to decline or discontinue use of contraceptives. People and groups who experience marginalization, including Indigenous peoples, people living in poverty, people living with HIV, and people with disabilities have faced historical and continuous coercion in regards to contraception and fertility, which is a grave violation of human rights. Governments have obligations towards the elimination of coercive practices related to contraception and to uphold the right to bodily autonomy for all.

<sup>3</sup> United Nations Committee on Economic, Social and Cultural Rights (CESCR). [General comment No. 22 on the right to sexual and reproductive health \(article 12 of the International Covenant on Economic, Social and Cultural Rights\)](#). (United Nations, E/C.12/GC/22, 2016). para. 8

<sup>4</sup> World Health Organization (WHO). [Fact Sheet: Adolescent Health](#). (WHO, n.d.)

<sup>5</sup> Committee on the Rights of the Child. [General Comment No. 4: Adolescent Health and Development in the Context of the Convention on the Rights of the Child](#). (OHCHR, 2003).