

SRHR & Human Rights

This resource provides information on applying a human rights based approach to sexual and reproductive health and rights advocacy.



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

Sexual and reproductive health and rights are human rights

Sexual and reproductive rights encompass the full range of human rights related to sexual and reproductive health, reproduction, sexuality, and gender. They allow people to make free and informed decisions regarding their bodies, sex, sexuality, reproduction and gender expression free from violence, coercion, and discrimination.

Sexual health involves “a state of physical, emotional, mental and social well-being in relation to sexuality”¹ as well as being able to have safe and pleasurable sexual experiences and express one’s sexuality and gender freely. Reproductive health is rooted in the ability to make decisions about reproduction, with access to the information, resources, and services which enable these decisions. For sexual and reproductive health to be realized, states must uphold sexual and reproductive rights.

Sexual and reproductive health depends on:

- access to information about sexuality, including comprehensive sexual education in and out of schools
- an enabling legal and policy framework that supports sexual and reproductive rights as well as civil society’s and individuals’ rights to participate in the policy decisions that impact their lives
- substantive access to quality sexual and reproductive health care, including abortion.²

SRHR in the International Human Rights Framework

Sexual and reproductive rights directly engage many other rights, including Article 16 of CEDAW³ on the right to decide freely and responsibly on the number, spacing and timing of children; Article 6 of ICCPR⁴ on the right to life; Article 12 of ICESCR⁵ on the right to the highest attainable standard of physical and mental health and Article 2 of UDHR⁶ on the right to be free from discrimination.

States are obliged to respect, protect, and fulfill all human rights, including sexual and reproductive health and rights. In real life, this may look like...

Respect: Not passing laws or policies that restrict access to sexual and reproductive health services, including those which limit access to abortion

Protect: Preventing institutions from implementing policies and practices that inhibit SRHR, such as those that discriminate against people based on their sexual orientation or gender

Fulfill: Taking positive measures to ensure all people have substantive access to SRH services and information, including by working to eliminate stigma ascribed to sexual and reproductive issues

Upholding SRHR means upholding associated freedoms and entitlements:

“The freedoms include the right to make free and responsible decisions and choices, free of violence, coercion and discrimination, regarding matters concerning one’s body and sexual and reproductive health. The entitlements include unhindered access to a whole range of health facilities, goods, services and information, which ensure all people full enjoyment of the right to sexual and reproductive health.”

– CESCR General Comment 22⁷

¹ World Health Organization (WHO). Sexual health, human rights, and the law. (WHO, 2015). p. 1.

² Ibid.

³ United Nations General Assembly. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). (United Nations, Treaty Series, vol. 1249, 1979).

⁴ United Nations General Assembly. International Covenant on Civil and Political Rights (ICCPR). (United Nations, Treaty Series, vol. 999, 1966).

⁵ United Nations General Assembly. International Covenant on Economic, Social and Cultural Rights (ICESCR). (United Nations, Treaty Series, vol. 993, 1966).

⁶ United Nations General Assembly. The Universal Declaration of Human Rights (UDHR). (United Nations, 1948).

⁷ 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. 5.



States have *obligations* towards respecting, protecting, and fulfilling the highest attainable standard of sexual and reproductive health.

Compliance with these obligations means that...⁸

- Concrete, targeted actions towards this must start now.
- They must use all appropriate means, including allocating budgets, and utilize “the maximum of their available resources.”
- They have an obligation to reform or eliminate laws and policies that impede this right.
- It is their responsibility to ensure that all people can enjoy this right equally and without discrimination.

The enjoyment of sexual and reproductive health is dependent on an **environment that promotes and enables sexual wellbeing** and on **underlying and social determinants**.

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 sexual and reproductive health care extends to these determinants.

⁸ Ibid.

⁹ Ibid., para 8.

“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.”⁹



Discrimination and inequality play an important role in how sexual health is experienced. Income inequality, systemic racism, and discriminatory laws, policies, and practices impact access to health services and information and lead to poor health outcomes. This is especially true for sex workers, people who use drugs, people living with HIV, and those who are otherwise criminalized, surveilled, or marginalized. **Stigma and marginalization** themselves have negative effects on sexual wellbeing. **When laws and policies inhibit the enjoyment of sexual and reproductive health and rights, they may constitute a human rights violation.**

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 36 on the Right to Life](#)
- [Special Rapporteur on the Right to Health - Report on SRHR during COVID](#)
- [Working Group on Discrimination against Women - Discrimination against women with regard to health and safety](#)
- [Working Group on Discrimination against Women - SRHR in crisis](#)
- [Sexual, reproductive, maternal, newborn, child and adolescent health: policy survey, 2018-2019: summary report](#)
- [UN Advocacy Tool](#)
- [Status of Ratification Interactive Dashboard](#)
- [UN Treaty Body Database](#)
- [Special Procedures of the Human Rights Council](#)
- [Action Canada Neglected Areas Toolkit](#)
- [WHO: Sexual health, human rights, and the law](#)