

Concept Note

Expert Meeting on
The Right to Sexual and Reproductive Health
Gender, Culture and Human Rights Branch, UNFPA
8-9 October 2009
DRAFT

1. Background

The Committee on Economic, Social and Cultural Rights is the treaty body in charge of monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights by its States parties.

As part of its monitoring role, similar to other treaty bodies, States parties are obliged to submit regular reports to the Committee on how the Covenant is being implemented in their countries. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of concluding observations.

The Committee also adopts general comments aimed at interpreting the Articles of the Covenant to assist the States parties in fulfilling their obligations under the Covenant and to stimulate other stakeholders such as civil society organizations, international organizations and specialized agencies that are concerned in supporting progressive and effective efforts to achieve full realization of the rights recognized in the treaty. As of September 2009, the Committee has issued 20 general comments, including a general comment on the right to the highest attainable standard of health.

A very important component of the right to health is the right to sexual and reproductive health. As confirmed by the Commission on Human Rights in 2003, “sexual and reproductive health is an integral element of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health¹.”

In describing the normative content of Article 12 of the International Covenant on Economic, Social and Cultural Rights on the right to the highest attainable standard of health, the Committee on Economic, Social and Cultural Rights has already recognized in General Comment No. 14 that sexual and reproductive health are part of the right to health.²

The Special Rapporteur on the right to the highest attainable standard of health has built a strong theoretical foundation that has helped to shape the components and standards related to sexual and reproductive health. In 2004, his annual report to the Commission

¹ Commission on Human Rights Resolution: 2004/27

² General Comment No. 14, at 8: “The right to health is not to be understood as a right to be *healthy*. The right to health contains both freedoms and entitlements. The freedoms include the right to control one’s health and body, including sexual and reproductive freedom, and the right to be free from interference, such as the right to be free from torture, non-consensual medical treatment and experimentation.”

on Human Rights focused on the subject. The report draws on the recognition by the Commission on Human Rights that sexual and reproductive health is an integral element of the right to health. The report examines the right to sexual and reproductive health within the conceptual framework of the right to health, including in terms of freedoms and entitlements; the right to health care and other determinants of health; international assistance and cooperation; and monitoring and accountability. The report builds on the International Conference on Population and Development (ICPD) and the Fourth World Conference on Women³.

The Special Rapporteur's other annual reports submitted to the Commission on Human Rights, the Human Rights Council and the General Assembly, as well as mission reports, have included chapters on these issues. There are also several publications focusing on sexual and reproductive health rights, maternal mortality, international assistance, etc.⁴

In addition, several committees have persistently addressed sexual and reproductive health in their concluding comments and in general comments and recommendations, including the CEDAW Committee, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. There is also a vast array of theory developed by academia and other actors such as civil society organizations and other institutions.

Despite all this theoretical building, there is no general comment of the Committee on Economic, Social and Cultural Rights addressing the right to sexual and reproductive health.

A General Comment on the right to sexual and reproductive health can be very useful for UNFPA's advocacy work as it provides a very strong international legal support to advance the Programme of Action adopted at the International Conference on Population and Development (ICPD). In addition, such a General Comment, by defining legal standards and describing the elements of the right, can contribute to clarify the scope of the right to sexual and reproductive health

During its 40th session, the Committee on Economic, Social and Cultural Rights has appointed a Rapporteur who will be responsible for elaborating a General Comment on the right to sexual and reproductive health. UNFPA will support the process at several levels:

- Providing technical support to the Rapporteur
- Supporting civil society involvement
- Organizing an expert meeting on the right to sexual and reproductive health
- Sponsoring a half-day briefing for the members of the Committee

To support the work of the Rapporteur responsible for the elaboration of the General Comment on the right to sexual and reproductive health, the Gender, Human Rights and

³ Extracted from the report on the "Informal consultation co-organised by UNFPA and the UN Special Rapporteur on the right to the highest attainable standard of health" on 5 July 2006, UNFPA, New York.

⁴ Idem

Culture Branch of UNFPA (GHRCB) in coordination with other partners, is planning to organize an expert meeting on the right to sexual and reproductive health to take stock of the different approaches to the issue and to make suggestions to the Rapporteur.

This workshop will bring together NGOs working on reproductive rights and on sexual and reproductive health, UN treaty body representatives, special procedures and specialized agencies along with international experts and academics to discuss and recommend what elements should be contained in the General Comment.

2. Objective

Within the framework of ICPD, the purpose of this meeting is to share knowledge and experiences and discuss how a General Comment can help to shape the scope of international human rights standards regarding sexual and reproductive health. It will provide elements and inputs for the elaboration of the General Comment.

3. Methodology

During two days, the expert meeting will convene United Nations bodies and specialized agencies, United Nations human rights treaty bodies and special procedures, non-governmental organizations, health institutions and other interested organizations or individuals as well as national and international experts.

The expert meeting will help to foster a more profound understanding of the content and implications of article 12 of the International Covenant on Economic, Social and Cultural Rights as it relates to sexual and reproductive health. The expert meeting will aim to:

- Explore the diverse components of sexual and reproductive health;
- Analyze the right to sexual and reproductive health;
- Highlight the main challenges and opportunities;
- Focus on the rights and needs of specific groups such as persons with disabilities, indigenous peoples, marginalized women, adolescents, etc.

Information collected during the expert meeting will be captured in writing to guide the development of a zero draft of the General Comment, which will then be submitted by the Rapporteur for internal discussion within the Committee.

4. Dates

8 and 9 of October.

5. Venue

Tudor Hotel, 304 East, 42nd street, between 1st and 2nd avenues, New York