

THE STOCKHOLM FORUM ON GENDER EQUALITY

SRHR WHAT'S LAW GOT DO TO WITH IT?

**ADVANCING THE RIGHT TO BODILY AUTONOMY, SEXUAL HEALTH AND
REPRODUCTIVE FREEDOM THROUGH HUMAN RIGHTS MECHANISMS**

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Contributors: Swedish International Development Cooperation Agency (Sida) Lusaka,
Moderator – Jesper Sundewall (Embassy of Sweden, Lusaka) and Rapporteur –
Ekatherina Zhukova

OVERVIEW

The human rights regime remains a testament to the power of ideas. It is also an engine for the generation of normative challenges, for the legal codification of widely shared values and for defining, particularising and assigning responsibilities to states and non-state actors alike.

The purpose of this session was to reflect on if the human rights regime can be a means to advance sexual and reproductive health and rights. If so, how? And through which mechanisms and instruments?.

KEY TAKEWAYS

Where are we? What are we doing?

70 years have passed after signing the Declaration of the Human Rights, which brings new normative challenges. It defines responsibilities for human rights, particularly in relation to health and human rights, such as reproductive health and reproductive rights. The goal is to deliver availability and accessibility of services for sexual and reproductive rights worldwide.

Sexual and reproductive health and rights (SRHR) are top priorities for Sweden and for Sida. It is a fact that everyone has a basic right to decide about her own body without asking someone's permission, to have a child or not, to have sexual relation with a particular person or not. We see an increasingly constrained international climate where SRHR has been challenged. Ninety per cent of Sida's development assistance is either gender mainstreamed or has gender equality as its goal. Sixty per cent of health development assistance is in the field of SRHR, prioritising mainly women, but also including men. To have an integrated approach – in health, education and economic empowerment – is vital as these are interrelated. For example: if a young woman is forced to an early marriage, the consequences will be great as she most likely will not be able, or allowed, to find a job with the result of

her not being empowered later. SRHR should mean a right for a young girl and boy to access services before they even start a sexual life – that is their right.

In **Zimbabwe**, sexual rights are political. Police have the right to arrest women on the street after 19:00 because they are perceived as promoting prostitution. Those who stand up for women and their rights risk losing their jobs. Media tend to harass them. Political will is needed to push the implementation of the constitution. The implementation is the challenge. Governments make laws to impress Sida who will think that they are complying. But in reality, these laws do not reach the implementation stage.

In **Zimbabwe**, there is a misconception that gender is just about women and women's issues, while men set the rules. We need to integrate women and men when we are dealing with gender issues. We need to bring on board the men who make the decisions. Men decide whether women have the right to become engaged in political life. When women go to jail, they have to undress. What happens when a woman stays in the cell without panties and jeans on? What happens when women cannot have a bath for the whole week in jail? Activists are fighting for sanitary towels. In many countries this is taken for granted. Zimbabwe does not have enough resources to purchase towels. Reproduction becomes secondary, health and sanitation come first. If the activist cannot protect herself, how can she protect others?

In **South Africa** a progressive constitution guarantees rights to equality, health and SRHR. However, gender-based violence (GBV) is a major problem. 56 per cent of men have committed some kind of GBV.

In **South Africa**, laws are used to counter domestic violence. Men's use of GBV against women is mentioned explicitly in the law. Men and boys are engaged through traditional workshops and dialogues. Men in positions of power are held accountable. Men in public office, business, and sports are role models, hence they are held accountable. The constitution in South Africa includes accountability mechanisms (Chapter 19 holds citizens of public power accountable). In 2009 before the national elections, Jacob Zuma was a candidate. A woman claimed that one of the political actors had sexually harassed her. He was taken to the court and held accountable for hate speech and was found guilty. He was made to pay a fine publicly, but he refused to do it. Finally, thanks to political activism, he went on national television and apologised. This is an important achievement which shows that perpetrators do take responsibility for their actions. Another famous rugby player has been charged with sexual assault.

South Africa has a beautifully written abortion law, but the challenge is to realise and implement this law. How can it be fully implemented? One has to be careful about the language one uses about abortion. It's not about being legal or illegal - it is about being restrictive or non-restrictive. It's important to fully interpret and implement the law to make sure the services are provided. The law should be liberally interpreted. Today it is highly specific and restrictive. Who is permitted to provide safe abortion in the country? Is pregnancy criminalised? The interpretation of these questions has to be done through the law. Abortions should not be in the hands of only a few.

In **USA** there are serious challenges within the government, facing a strong global opposition and increasing activism.

The shrinking space in many countries is affecting the work and engagement connected to these sensitive issues for many activists and CSOs.

RECOMMENDATIONS

Where do we go from here?

There are words on paper, but no implementation on the ground – we must push for the implementation of laws on the ground.

Laws should be a vehicle for normative change.

Use community level work to build support for legislative change.

Change the idea that gender is about women only; gender is about both women and men.

Fight the issue of shame – overcome stigma about abortion by changing norms.

Women's perspectives should be taken into account when deciding on legal aspects of abortions, in addition to legal perspectives.

SRHR should become a basis for gender equality.

Invite new players – young people, activists, media, and police. Young people can push the agenda forward. Police are important for law enforcement. Media do campaigns and advocacy, but also need to link national agreements with international agreements.

Beneficiaries and survivors of abortion should be given space in order to come out and speak up.

Doctors are very powerful voices on the grassroots level – therefore it's vital that one make sure they are supportive of this work.

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