



Do Women's Reproductive Rights Matter? - An Inquiry

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Abstract: This article examines the dynamics of population policy which affect the human rights. Further it throws a light on the role of law in protecting women's rights in the formulation and implementation of population policy. In particular with special reference to women, the law has ineffectively protected women's reproductive rights because of their marginalization. The limited success of law in protecting women's reproductive self-determination is directly related to the patriarchal constructs which shape the law. Women's rights are simply inconsistent with many cultural traditions which deny them liberty and equality. Finally, the prohibitions on gender discrimination contained in the women's convention and other human rights treaties should not be undetermined in the name of cultural relativism, but should be remedied immediately with an appropriate protocol.

Key words: Human Rights, Discrimination, women, marginalization

Introduction

Discrimination against women remains pervasive throughout the world, particularly in the developing countries with the most serious concerns about population growth. This discrimination denies women the most basic right of self-determination and reproductive autonomy. Women without status, power or right in most cultures were perceived as the obvious targets of population programmes.

Human rights are not something that can be given and taken away. Human rights are the right which makes us human. They are universal, indivisible and interdependent reproductive rights are human rights. Reproductive rights were developed as a subset of human rights at the United Nations 1968, International Conference on Human Rights.

Maternal mortality, gender based violence lack of access to appropriate

health care and an absence of family planning services drive violation of reproductive rights across the world. It is the mission of United Nations Population Fund (UNFPA), to deliver a world where every pregnancy is wanted, every birth is safe and every young person's potential is fulfilled. It focuses on improving the lives of adolescent women and ensures integration of human rights, gender equality and population dynamics in its work. UNFPA's strategic plan (2014-2017) is to mainstream the reproductive health programmes, secure reproductive rights and reducing maternal mortality rates by addressing gender-based violence.

To ascertain women's reproductive rights, Human Rights Based Approach (HRBA) to development has to be adopted. The principles of HRBA are:

❖ Universality, inalienability and indivisibility of human rights;



- ❖ Interdependence and inter relatedness.
- ❖ Equality and non-discrimination;
- ❖ Participation and inclusion; and
- ❖ Accountability and rule of law.

According to the Committee on Elimination of All Forms of Discrimination against Women (CEDAW), violence against women is a form of discrimination. Article 1 of the charter of the United Nations sets the goal "to achieve international co-operation... in promoting and encouraging respect for human rights and fundamental freedoms..." As part of this over reaching vision, National Human Rights Institutions (NHRIs) are in a unique position to hold governments accountable to their commitment to respect protect and fulfill reproductive rights as defined in the International Conference on Population and Development (ICPD) programme of action. Women's reproductive rights include the right to reproductive health, the right to decide freely and responsibly the number, spacing and timing of their children and to have information and means to do so far from discrimination, violence or coercions as expressed in human rights document.

Facts pertaining to Women's Reproductive Health:

- An estimated 2,87,000 maternal deaths occurred worldwide in 2010.
- The risk of dying during pregnancy, and when giving birth for a women in a developing region is 15 times higher than in developed regions.
- In total, 99 per cent of maternal deaths occur in the developing world, mainly in Africa and South Asia.

➤ More than 200 million women annually are estimated to experience life threatening complications in connection with pregnancy often leading to serious disability.

➤ More than 120 million women have unmet needs for family planning services.

➤ The affected women are left unable to decide freely on whether to have children and the number and timing of child bearing and at the risk of contracting HIV / AIDS and other sexually transmitted diseases.

➤ National Family Health Survey - 3 (NFHS-3) data indicate that the predominant form of contraception for women is female sterilization (37.3%), while male sterilization is a shockingly low 1.0%

➤ Lack of access to family planning services resulted in increased of rate of abortions, including unsafe abortions.

➤ Of the estimated 80 million unwanted or unintended pregnancies each year, an estimated 45 million are terminated. Of these 45 million abortions, 19 million are unsafe with 40 percent done on women below 25 years of age.

➤ About 68,000 women die every year from complications of unsafe abortion.

➤ Surveys show that poorer an adolescent girl (age between 15 and 19 years of age) is and the less access she has to education, the more likely she is to become pregnant; an adolescent girl without formal education is more than four times as likely to become pregnant than an adolescent girl with secondary education.

The above facts reveal the health status of women, child, early and forced marriages are among the many harmful practices affecting young girls, primarily



in the developing countries. These violations of reproductive rights include child birth before physical and mental readiness, which is a common consequence of early marriages. It undermines women's reproductive autonomy and jeopardises their mental and physical health. In other words, gender equality is not possible if women are not able to exercise control over their bodies while substandard maternal and infant health services cost individuals, families and societies fortunes every year. It directly affects the equitable and sustainable development, the attainment of various Millennium Development Goals (MDGs) including the goal of poverty reduction. Four out of eight MDGs related to reproductive and sexual health rights. It has two targets: to reduce maternal mortality ratio by three quarters between 1990 and 2015.

- To achieve universal access to reproductive health by 2015.
- To overcome the reproductive health challenges the following remedial measure may be taken.
- ❖ Providing reproductive health information and services should be accessible to all in law and practice without any discrimination.
- ❖ Adopting measures to achieve equality and eliminating discrimination with respect to reproductive health for all. Steps should be taken to ensure that all individuals have access to comprehensive and scientifically accurate contra contraceptive methods

- ❖ should develop public education campaigns to raise awareness on health pregnancy, adequate nutrition and sanitation
- ❖ should provide access to prenatal care, skilled attendance during birth and emergency obstetric care
- ❖ Should ensure access to good quality maternal and reproductive health care.

Conclusion: There are number of issues pertaining to women and women's reproductive rights are vital for gender equality and women's empowerment. The need of the hour is to focus more in future on women reproductive rights to bring about advancement of women.

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