

2011 General Assembly Report of the UN Special Rapporteur
on the Right to the Highest Attainable Standard of Health

The impact of criminalization and other legal restrictions
on the right to sexual and reproductive health

Joint statement of UNFPA, WHO and UNAIDS

October, 24 2011

UNFPA, WHO and UNAIDS would like to acknowledge the report of the Special rapporteur as an important contribution to the provision of recommendations on implementation of existing human rights commitments through effective policies and programs in order to achieve universal access to reproductive health for all. This report focuses specially on the impact of criminal laws and other legal restrictions on the right to sexual and reproductive health. In this regard, the report supports States' efforts to respect, protect and fulfill human rights.

The Report builds on existing references and analysis, including the ICPD Programme of Action, the Beijing Platform for Action, the Human Rights Council Resolutions on preventable maternal mortality and morbidity and the UN Secretary General's Strategy on Women's and Children's Health, the Office of the High Commissioner on Human Rights' report on maternal mortality and morbidity and several Treaty Monitoring Body General Comments and Concluding Observations.

The report also highlights the individuals and sectors of society, most of whom are poor and marginalized women and girls, who are denied health care and are unable to access information about services, or do not enjoy the ability to make decisions regarding their own health.

As stated by the ICPD Programme of Action, the right to sexual and reproductive health rests on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. This also includes the right of all to make decisions concerning reproduction free of discrimination, coercion and violence. This principle underpins the provision of family planning services and sexuality education as well as efforts to prevent child or coerced marriages, violence against women, unsafe abortion, HIV and other sexually transmitted infections.

The right to non-discrimination requires governments to ensure equal access to health care for everyone and to address the unique health needs of women, men and adolescents; it implies that sexual and reproductive health services should be accessible to all groups, including adolescents, unmarried women, indigenous people, migrants and refugees.

To that end, Governments must allocate appropriate budgets to sexual and reproductive health programs; implement effective policies; make comprehensive sexual and reproductive health services available; and remove barriers to accessing good-quality care in order to fulfill people's rights to life and health.

This principle is crucial in advancing sexual and reproductive health, reducing maternal mortality, preventing HIV, eliminating unsafe abortion, and ending violence against women.

Thank you.