

An Introduction to *Bringing Rights to Bear*

Reproductive rights are guaranteed in broad protections of fundamental human rights treaties. The rights to life, health, and non-discrimination, among others, entitle women to comprehensive reproductive health care and protect autonomous decision-making regarding sexuality and reproduction. The United Nations (UN) treaty monitoring bodies, which oversee governmental compliance with the major UN human rights treaties, have contributed immensely to the articulation of government obligations in the area of reproductive rights. The treaty monitoring system—a key mechanism through which the UN promotes and protects the human rights of all individuals—has tremendous potential to further advance the reproductive and sexual health and rights of women and girls around the world.

This report analyzes how six treaty monitoring bodies* have incorporated reproductive and sexual health into their work. Their general comments, concluding observations and decisions on individual cases, when taken together and analyzed, can guide human rights scholars and advocates in their efforts to further promote women's human rights.

History of *Bringing Rights to Bear*

The *Bringing Rights to Bear* series is the product of an effort that began in 2000. That year, the Center for Reproductive Rights, in collaboration with the University of Toronto International Programme on Reproductive and Sexual Health Law, began examining the general comments, concluding observations and individual cases of six United Nations treaty monitoring bodies. The original *Bringing Rights to Bear*, a 291-page volume that was released in 2002, proved to be a tremendous resource for advocates, educators, UN staff and other key stakeholders. It examined standards developed on a broad range of reproductive rights issues, such as access to comprehensive health services, autonomy in reproductive decision-making, violence, and discrimination on various grounds.

Since 2002, the treaty monitoring bodies have gone even further in articulating protection for reproductive rights, particularly in the areas of HIV/AIDS and access to safe abortion services. In addition, some committees that had not previously commented on reproductive rights have issued concluding observations reflecting concern over violations of these rights. For example, in 2006, the Committee against Torture commented, for the first time, on illegal and unsafe abortion as a form of cruel and inhuman treatment. And in 2008, the Committee on the Elimination of Racial Discrimination commented, for the first time, on the need to improve access to and affordability of family planning, maternal health care, and emergency obstetric services.

The Update

Given the overwhelmingly positive response to the original *Bringing Rights to Bear*, the Center saw the need to publish an update reflecting the committees' continuing—and deepening—interest in reproductive rights. Rather than producing a new complete volume, we decided to create eight independent briefing papers that

* The Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, and the Committee against Torture.

each target one thematic area. The update was carried out in two phases. The first four briefing papers, covering family planning, HIV/AIDS, sexuality education, and violence against women, were published in March 2008. The second set, covering abortion, female genital mutilation and other harmful practices, maternal mortality, and rights within marriage, was published in October 2008. The more flexible layout allows audiences with specific thematic interests to receive only the information they need.

It is important to recognize that since the 2002 publication of *Bringing Rights to Bear*, two new international treaties have entered into force: the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention) (2003) and the Convention on the Rights of Persons with Disabilities (2008), the latter containing significant protections for reproductive rights. A monitoring committee has been formed for the Migrant Workers Convention, but so far, only a small number of countries have reported. A committee has recently been formed to monitor the Convention on the Rights of Persons with Disabilities but countries have not begun reporting on their compliance with that treaty. While these committees are not addressed in *Bringing Rights to Bear*, the Center for Reproductive Rights will follow their work and will document their statements on reproductive rights in future publications.

How *Bringing Rights to Bear* Can Help Advance Reproductive Rights

We hope that *Bringing Rights to Bear* will be used to assist governments, advocates and other key stakeholders in further promoting women's human rights. The standards elaborated upon by the committees, summarized in these briefing papers, can and should be used to measure government compliance with human rights treaty obligations. Materials cited in these papers can be used to support legal advocacy in national, regional, and international human rights institutions. They can also be used to hold governments politically accountable for consistent failure to fulfill the requirements of human rights treaties.

In addition, we hope that judges and members of regional and UN accountability bodies will turn to *Bringing Rights to Bear* for information on how reproductive rights standards have developed within the UN treaty monitoring system. For members of the UN treaty monitoring bodies themselves, we have included at the end of each briefing paper a series of recommendations on how reproductive rights standards can be strengthened and further developed in order to reflect the ways in which rights violations are experienced by women in diverse circumstances.

While the materials cited in *Bringing Rights to Bear* refer to the human rights records of individual countries, we do not recommend using these briefing papers as a comprehensive resource for country-specific research. On issues that the committees address regularly in concluding observations, it was not always possible to include in the endnotes the many dozens of citations that could potentially appear. In such cases, examples of relevant concluding observations were provided, with an effort to reflect the geographical diversity of the countries appearing before the committees. To read all of the TMB comments issued to a particular country, go to the United Nations Treaty Monitoring Database, at <http://www.unhchr.ch/tbs/doc.nsf>, and browse "By Country."

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