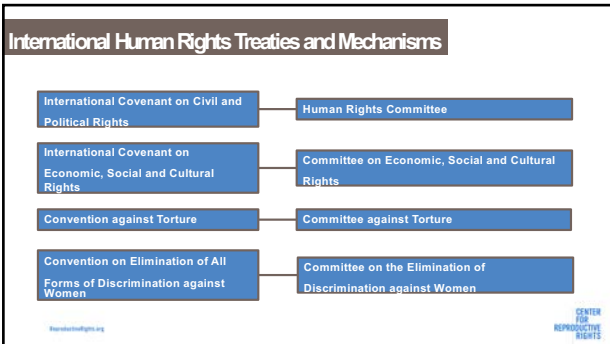
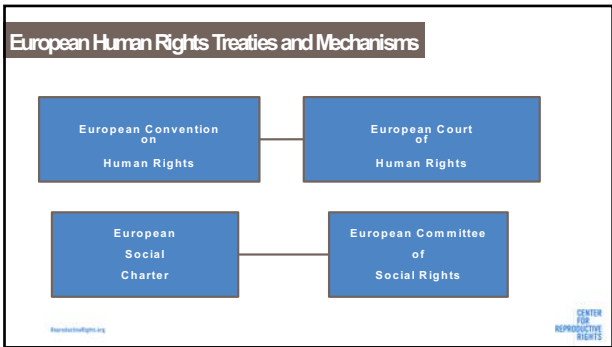
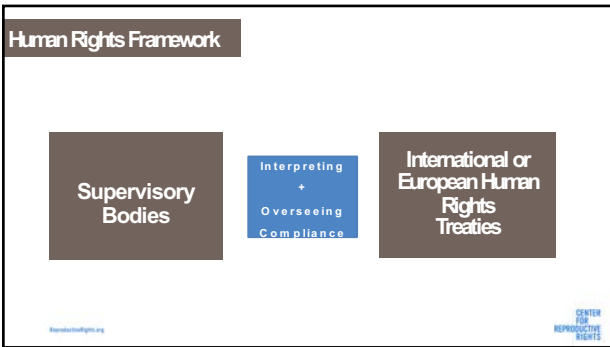


International and European jurisprudence on reproductive health and rights

Presentation at the 15th Congress of the European
Society of Contraception and Reproductive Health

CENTER FOR REPRODUCTIVE RIGHTS



4 Core Principles

UNIVERSALITY

- We have rights because we are human
- Human rights are for everyone
- Human rights apply everywhere
- All human rights must be enjoyed by all

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4 Core Principles

EQUALITY

- Equal enjoyment of human rights
- Certain groups must not be given lesser rights protection
- Women's biological difference must be recognised
- Account must be taken of gender stereotypes and roles

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4 Core Principles

AUTONOMY

- Freedom to make decisions over our bodies, health and lives
- Our decisions must not be coerced or pressured
- Our decisions must be respected
- Our decisions must not be subject to someone else's approval

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4 Core Principles

INFORMED CONSENT

- Coercion and treatment against our will is not permitted
- Personal consent alone is sufficient
- Free and voluntary decision-making
- Power to agree and refuse medical treatment

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MATERNAL CARE

- Quality maternal care: antenatal, postnatal, emergency obstetric care, and skilled birth attendants
- Accessible maternal care, including in rural areas
- Affordable maternal care with free services as needed
- Care based on informed consent and that is respectful of women's dignity and sensitive to their needs
- Non-discriminatory maternal health care

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JURISPRUDENCE

Alyne da Silva Pimentel v. Brazil




An Afro-Brazilian woman was denied emergency obstetric care, after being turned away from her local health care clinic.

She died from pregnancy-related complications.

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JURISPRUDENCE



Konovalova v. Russia
A woman was in labour in hospital. Against her wish, a group of medical students observed her giving birth and receiving medical interventions during the delivery.

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Hanzelkovi v. Czech Republic

A woman left the hospital shortly after giving birth. The hospital obtained a court order to place the child in the hospital's care. The mother and child were then made to remain at the hospital.



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CONTRACEPTIVES

- Full range of modern contraceptive methods, including emergency contraception
- Adequately stocking supplies
- Facilities in all parts of the country providing services and information
- Affordable contraceptives: subsidising, ensuring public health insurance coverage or free of charge
- Evidence-based information and services

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Forced and coercive sterilisation

Incompatible with the requirement of respect for human freedom and dignity.

Gross disregard for the woman's right to autonomy and choice as a patient.

Gross interference with a woman's physical

Human Rights Cases

- V.C. v. Slovakia
- N.B. v. Slovakia
- G.B. and R.B. v. Moldova
- I.G., M.K. and R.H. v. Slovakia
- A.S. v. Hungary

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Barriers to accessing contraceptives

- Marginalised groups of women face difficulties
- Spousal or parental consent requirements
- Lack of youth friendly services and counselling
- Emergency contraception only sold with prescription
- Legal requirements based on marital status or children

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ABORTION

- Decriminalise abortion and reform highly restrictive laws
- At a minimum, legalise abortion in situations of risk to health and life, severe and fatal fetal diagnoses, and sexual assault
- Guarantee that abortion care is available and accessible
- Remove any barriers, such as waiting periods and counselling requirements

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Restrictive laws



Mellet v. Ireland and Whelan v. Ireland


Both women learned that their pregnancies involved fatal fetal conditions.

As a result of Ireland's criminalisation of abortion, their only option in Ireland was to carry the pregnancy to term.

Each woman travelled to England to end the pregnancy safely and legally.

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Barriers in access to care



P. & S. v. Poland

A 14-year old girl became pregnant after sexual assault.


She faced obstruction in access to legal abortion care. Her medical information was disclosed and she was harassed.

She was questioned for several hours by police, and placed in a juvenile center following a court order.

She obtained an abortion far

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Barriers in access to care



L.C. v. Peru

An adolescent became pregnant after sexual assault.

She attempted suicide by jumping off a building and suffered serious spinal injuries that required urgent surgery.

Because of her pregnancy she was denied the surgery. She became paralysed from the neck down.

IN CONCLUSION

International and European human rights law and standards require States to take effective measures to guarantee and protect reproductive health and rights.

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