

Family planning from a human rights perspective

What is family planning?

Family planning refers to supplies and services which enable individuals and couples to attain and plan for their desired number of children, and the spacing and timing of births.

Supplies include modern contraceptive methods, such as oral pills, injectables, IUDs, hormone-releasing implants, vaginal barrier methods, and male and female condoms.

Services include health care, counselling and information and education related to sexual and reproductive health.

Human rights are basic standards of freedom and dignity to which all people are entitled

Human rights are *entitlements* – not simply aspirations – which means that governments have an obligation to respect and protect the rights of their citizens. Equally, citizens have the right to hold their governments accountable for the realization of their rights to the highest possible standard.

Human rights are enshrined in international conventions, agreements, laws and declarations, including the:

- Universal Declaration of Human Rights;
- International Covenant on Economic, Social and Cultural Rights;
- International Covenant on Civil and Political Rights;
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and the
- Convention on the Rights of the Child.

Governments have signed these conventions and agreements and, therefore, have committed to bring their national legislation into line with the covenants. (*For details on international human rights agreements, visit: www.hrweb.org/legal/undocs.html.)*

Family planning is grounded in internationally recognized human rights

The right to family planning is based on international human rights, particularly:

- the right to life;
- the right to the highest attainable standard of health;
- the right to decide the number and spacing of one's children;
- the right to privacy;
- the right to information; and
- the right to equality and non-discrimination.

These human rights have the status of international law, and find expression in international political declarations and plans of action, such as the Beijing Declaration and Platform for Action, the Vienna Declaration on Human Rights and the Millennium Declaration and Development Goals (MDGs).

The right to family planning is explicitly expressed in a number of these agreements (*see Box 1*), including the 1994 ICPD Programme of Action, which states that reproductive rights, including family planning, are rooted in 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.”

Therefore, it is an obligation of states to ensure access to accessible, affordable, appropriate and good-quality family planning and services free from coercion, discrimination and violence.

Ensuring these rights is also critical for the realization of gender equality, and is indispensable for the achievement of wider development goals.

Governments must uphold the right to family planning

Governments and other duty-bearers give effect to rights – including rights to sexual and reproductive health and family planning – through legislation, services, policies and programmes, which are designed, implemented and evaluated from a rights-based perspective.

This means **services** must be **voluntary** – obtainable without coercion, in settings where people can make informed choices about what is best for their health and needs. Services and supplies must also be **available and accessible** at low prices or for free, in locations where people can get them easily, including people who are poor, marginalized or young. They must also be available at all times by ensuring sustainable supply chains and avoiding stock-outs.

Box 1. International agreements recognizing the right to family planning

1979	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (Part III, Articles 10, 12 & 14)
1994	International Conference on Population & Development (ICPD) Programme of Action (Chapter VII)
1995	UN Women's Conference in Beijing Platform for Action (C. 94)
2000	Millennium Summit's Millennium Development Goals (MDGs) (5b)
2005	Paris Declaration on Aid Effectiveness and the Accra Agenda for Action
2006	Maputo Plan of Action
2010	UN Global Strategy for Women's & Children's Health and Muskoka Initiative on Maternal, Newborn & Child Health (Article 8)

Contraceptive services and supplies must be **acceptable** to women, men and young people. Different people need different methods; therefore, a mix of methods is essential. The right mix will differ among different populations but usually includes: male and female condoms, oral contraceptives, intrauterine devices (IUDs), injectables, implants and emergency contraception. Finally, services and supplies must be of **good quality**. For example, contraceptives must be stored and shipped appropriately to ensure their quality and effectiveness.

Policies and programmes must reflect rights-based principles

Rights-sensitive legislation, services, policies and programmes reflect rights-based principles, including the following:

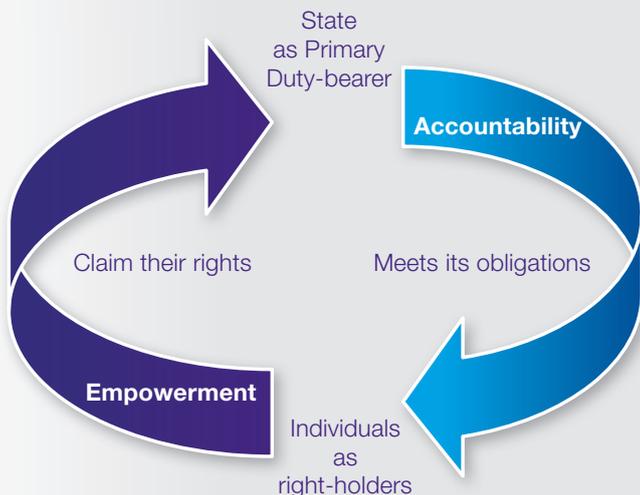
Empowerment. They must support women, men and adolescents to understand and claim their right to family planning, and to hold the state and other national and international duty-bearers accountable. This requires policymakers to address economic, social, cultural and political forces which may impede people's access to sexual and reproductive health services and supplies.

Participation. They must encourage, involve and build the capacity of individuals and communities to participate in the design, implementation, monitoring and evaluation of sexual and reproductive health and rights programmes, services, policies and laws.

Non-discrimination. They must focus on upholding the rights of vulnerable and marginalized groups and those whose rights are most at risk of being violated. In the case of family planning, this includes, for example, adolescents and women living with HIV.

Accountability. They must respect (and not hinder), protect (through laws) and fulfil (through effective institutions and procedures) people's right to family planning. Governments as well as donors must ensure that policies, programmes and activities are in line with the human rights responsibility of international assistance and cooperation. Governments are legally obliged to translate the goal of meeting the unmet need for family planning into time-bound, achievable national results. (see Box 2)

Box 2. *The relationship between rights-holders and duty-bearers in a Human Rights-based Approach*



THE ROLE OF EUROPEAN DONOR GOVERNMENTS

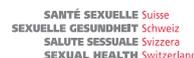
To fulfil internationally agreed commitments, European donor governments urgently need to:

- reiterate their commitments to respond to the unmet need for family planning as a goal in itself, and as a fundamental human right, as stated in the ICPD Programme of Action;
- respond to the unmet need for family planning from a human-rights perspective, which entails applying the key principles of: empowerment, participation, non-discrimination and accountability;
- translate their legal obligation to respond to the right to family

planning into time-bound and achievable results; this includes bringing human rights issues into policy dialogues with recipient countries, and ensuring commitments become part of recipient countries' policies; and

- guarantee that other duty-bearers, such as the private sector and pharmaceutical companies, follow the human-rights principles and are held accountable in case of violations of human rights in relation to people's access to family planning.

Countdown 2015 Europe is a consortium of 16 leading European non-governmental organizations working to address the unmet need for family planning in developing countries. The consortium raises awareness and promotes increased European donor support in terms of policies and funding to ensure universal access to reproductive health and family planning worldwide. For more information, please contact the International Planned Parenthood Federation European Network (IPPF EN) at: countdown2015europe@ippfen.org or visit www.countdown2015europe.org



This project is funded by The European Union

This project is implemented by IPPF European Network



This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of the IPPF European Network and can under no circumstances be regarded as reflecting the position of the European Union or our other funders. IPPF European Network and its partners would also like to thank the Bill & Melinda Gates Foundation for their continued support.

