Input on Technical Guidance Tools

Human rights-based approach to reducing preventable maternal mortality and morbidity

Submission from Ipas

December 2011

The human-rights based approach (HRBA) comprises seven key principles: accountability, participation, transparency, empowerment, sustainability, international assistance, and non-discrimination.

The principle of non-discrimination is particularly important in guaranteeing that efforts to reduce preventable maternal mortality and morbidity include measures to address all of the major causes of such deaths and ill health, particularly unsafe abortion. The World Health Organization has stated that “Elimination of all forms of discrimination is at the core of a HRBA. Gender mainstreaming is a key strategy to achieving gender equality and eliminating all forms of discrimination on the basis of sex.” [1] This means that women and girls must have access to medical treatment and procedures that only they, and not men, need – post-abortion care and safe abortion care.

This was reiterated by the UN Special Rapporteur on the right to health in August 2011, when he stated in his report to the UN General Assembly’s Third Committee: “By restricting access to sexual and reproductive health-care goods, services and information these laws can also have a discriminatory effect, in that they disproportionately affect those in need of such resources, namely women.” [2] He went on to state: “Criminal laws penalizing and restricting induced abortion are the paradigmatic examples of impermissible barriers to the realization of women’s right to health and must be eliminated. These laws infringe women’s dignity and autonomy by severely restricting decision-making by women in respect of their sexual and reproductive health. Moreover, such laws consistently generate poor physical health outcomes, resulting in deaths that could have been prevented, morbidity and ill-health, as well as negative mental health outcomes, not least because affected women risk being thrust into the criminal justice system.” [3]

The Special Rapporteur recommended that States: “Ensure safe, good quality health services, including abortion, using services, in line with WHO protocols” and “Establish policies and programmes to ensure the accessibility and availability of safe, reliable and good quality services for abortion-related complications and post-abortion care, in line with WHO protocols, particularly in jurisdictions where abortion is criminalized.” [4]

Existing technical guidance tools applying a human rights-based approach to policies and programmes

A key component of ensuring women’s and girls’ access to good-quality treatment of complications of unsafe abortions and to safe abortion care is to ensure that health-care providers are knowledgeable about their country’s laws and the ethical duties of health-care systems and professionals to respect patient confidentiality and apply the benefits of scientific progress to the provision of care. Capacity-building for health-care professionals in understanding the role of human rights in guaranteeing women’s access to good-quality care is also essential.

Normative guidance

The publication of normative guidance on how abortion care should be provided is one means of promoting all women’s right to access to evidence-based medical treatment. The World Health Organization has issued technical guidance on abortion care, which states that: “Making abortion safe and accessible to the full extent of the law requires training health personnel so that they are conversant with national laws and regulations as well as with technical procedures, ensuring equipment and supplies, and designing protocols, regulations and policies that promote access to quality abortion services” and they make recommendations in conformity with international human rights. [5] Because in many places health-care providers still use outdated methodologies to provide care, the International Federation of Gynecology and Obstetrics (FIGO) issued guidance on the use of vacuum aspiration and medications instead of sharp curettage (also known as dilatation and curettage) for abortion care. [6] The PAC Consortium in the United States has issued guidance on the provision of youth-friendly post-abortion care for young women [7].

Training curricula for health-care providers and advocates for rights

Capacity-building for health-care providers in recognizing how human rights relate to reproductive health care is important in ensuring that they do not discriminate in provision of care against women and girls who seek treatment. In 2011, Ipas Central America produced an analysis of the legal instruments in El Salvador, Guatemala, Honduras, and Nicaragua which establish mechanisms through which victims of sexual violence can access protection and legal action, identifying gaps in how these laws incorporate human rights, including with regard to access to emergency contraception and abortion. [8] Before even therapeutic abortion to protect a woman’s life and health was banned in Nicaragua, Ipas Central America developed training materials for health-care providers which explain, inter alia, how human rights underlie good-quality abortion care. [9]

Ipas Mexico produced a manual focused on ethics and abortion, which invites discussion about the complexity of the relationship between ethics, rights and abortion. [10] Ipas Central America also issued a document on health-care providers’ duty to observe patient confidentiality as required by medical ethics and human rights, [11] while Ipas Bolivia published guidance for health-care providers and law enforcement authorities on legal issues related to the use of conscientious objection to deny women access to abortion-related care. [12]

Ipas has further published a toolkit to provide information and guidance on delivering and ensuring access to appropriate induced abortion care for young women, incorporating substantial information on human rights for training health-care providers, trainers, administrators and technical advisors of abortion care programmes. [13]

How such guidance assists our organization in efforts to eliminate preventable maternal mortality and morbidity

Ipas strives to ensure that all women – including those who have less access to health-care services than others (e.g., rural and young women, poor women and women from ethnic minorities) – have equitable and non-discriminatory access to post-abortion care and safe legal induced abortion as one means of eliminating preventable maternal mortality and morbidity. In this context, we disseminate technical guidance such as that mentioned above to health-care providers and health-sector policy-makers so that provision of care can be improved.

To ensure that health-care providers and law enforcement authorities recognize the importance of a human-rights based approach to provision of abortion-related care to reduce maternal morbidity and mortality, Ipas incorporates information on medical ethics and human rights in training curricula and resources that can be used in capacity-building.

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