

Day of General Discussion on “the Right to Sexual and Reproductive Health”:
Contribution from the UN CRC

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Committee on the Rights of the Child (CRC) welcomes the decision of CESCR to give focused attention to sexual and reproductive health rights and encourages the drafting and adoption of a General Comment on this important subject.

The General comment should stress indivisibility and interrelatedness of sexual and reproductive rights to other human rights – both civil and political, and economic, social and cultural rights. This cross-cutting nature of the subject of the General Comment is very relevant to the issues covered by the Convention on the Rights of the Child – such as right of children and adolescents to healthy development.

The Committee on the Rights of the Child in its activities is constantly raising issues related to sexual and reproductive health rights, and considers the subject of the Day of General Discussion very important to many aspects of rights of children. In its General Comment No.4 (2003) the Committee emphasized three equally important issues, and all of them are directly related to sexual and reproductive health rights: adolescents up to 18 years old are holders of their rights enshrined in the Convention; they are entitled to special protection measures and, according to their evolving capacities they can progressively exercise their rights (article 5). Millennium Development Goals (especially those related to reduction of child and maternal mortality and prevention of HIV/AIDS), again, are equally relevant both to the rights of children and rights to sexual and reproductive health.

The Committee urges States parties to develop and implement programmes that provide access to sexual and reproductive health services and respect rights of adolescents to privacy and confidentiality. While monitoring implementation of the Convention on the Rights of the Child, the Committee observes with satisfaction progressive efforts of the States Parties in respecting, protecting and fulfilling rights of adolescents with regard to all components of their development. Sexual education in schools is one of important issues discussed during dialogues with States parties and raised in Committee’s Concluding observations, as well as measures to protect children and adolescents from harmful practices such as early marriages and female genital mutilation. The Committee is raising these and other important issues related to sexual and reproductive rights in the context of the right of children to healthy holistic development, addressing all components of development as equally important. Children, in the spirit of the Convention on the Rights of the Child and in the view of the Committee, are holders of their rights and, as their capacities are evolving, rights to sexual and reproductive health should be no exception.

Effective synergies of modern public health principles, scientific evidence and human rights based approach, supported by efforts of governments, civil society and other

important stakeholders, have contributed positively in many regions and countries to protection of sexual and reproductive rights, as integral part of human rights of both children and adults

The Committee is also fully aware of challenges and obstacles in the field of sexual and reproductive rights which remains the most sensitive and controversial issue in international human rights law. Some of these challenges and controversies are even more visible when issues of sexuality and reproductive health are related to children and adolescents. The Committee has raised concerns in its Concluding Observations in the cases of policy shifts that restrict, for example, the scope of sexual and health education for adolescents or deny access for adolescents to confidential services. Such policy shifts have been usually a deliberate expression of ideological attitudes of the governments, and not the effect of lack of resources. This remaining difference in attitudes to how to promote and protect in the best way the rights of children and adolescents, is indicating about the need for further search of consensus on crucially important human rights principles and effective measures of their implementation. The initiative of the CESCR to draft and adopt the General Comment on the right to sexual and reproductive health, which is supported by the CRC, could be an important step in this direction.