**The Center for Reproductive Rights’ submission for the United Nations Special Rapporteur on Privacy’s Call for contributions: Privacy and Children**

The Center for Reproductive Rights (**the Center**) is a non-profit legal advocacy organization dedicated to promoting and defending reproductive rights worldwide. The Center uses the law at the national, regional, and international levels to advance reproductive freedom as a fundamental right that all governments are legally obligated to protect, respect and fulfil.

The Center seeks to contribute to *United Nations the Special Rapporteur on Privacy*’s call for submission on the “privacy rights of children (under the age of 18) and issues relating to their independence and autonomy” by highlighting: i) the importance of **respecting and ensuring the progressive autonomy of girls** **to make informed decisions about their sexuality and reproduction,** particularly regarding access to sexual and reproductive health services, such as: contraception, emergency contraception, abortion, and others; and ii) that **the right of girls to sexual and reproductive education and information** is the necessary basis for ensuring girls can make autonomous and informed decisions about their sexuality and their reproductive functions, all of which, is encompassed within the rights to privacy, autonomy, and integrity, among others**.**

For this, we want to referrer specifically to the recent judgment of the Inter-American Court of Human Rights (“IACtHR” or “the Court”) on the case of *Paola Guzmán Albarracín & others vs. Ecuador***[[1]](#footnote-1)** where by the Court unanimously ruled, *inter alia,* that the State of Ecuador was responsible for the violation of the **right to life, personal integrity, privacy and education** of Paola Guzman for the sexual violence, harassment and abuse that Paola suffered at the hands of the Vice-Principal of her school she attended, which led to her suicide.

Particularly, we wish to emphasize that in a first-ever, the IACtHR held that the **rights to personal integrity and privacy entail certain freedoms, including the freedom to take decisions about one’s own sexuality and to control one's own body. Such freedoms, according to the Court, can be exercised by girls, to the extent that they develop the capacity and maturity to do so[[2]](#footnote-2)**.

***In this sense, girls’ evolving capacities to make informed decisions regarding the sexuality is an integral part of the right to privacy and integrity, among others, and States must guarantee and respect girls’ ability*** ***to decide over matters that concern their sexuality, bodies and reproductive autonomy in order to truly ensure the respect of their privacy and integrity.***

Additionally, and as a first-ever as well, the IACtHR held that the right to sex and reproductive education is an integral part of the right to education**[[3]](#footnote-3)**, which, *inter alia,* must enable children to have an adequate understanding of the implications of sexual and emotional relationships, particularly in relation to their ability **to consent to such relationships, and the exercise of freedoms in respect of their sexual and** **reproductive rights**. For this, the Court held that sexuality education must be comprehensive, non-discriminatory, evidence-based, scientifically rigorous, and age-appropriate.

Indeed, without access to integral sexuality education girls are not equipped with the tools to understand, denounce, and receive support in situations of sexual violence, nor to make informed decisions about their sexuality and exercise their reproductive autonomy freely.

**As such, the right to sexuality and reproductive education, not only is an integral part of the right to education, but is necessary to guarantee girls’ rights to integrity, autonomy, and privacy, constituting as well a means to empower girls to (re)claim their rights to reproductive and sexual health.**

**Given the above, we respectfully submit that in understanding and developing the privacy rights of children in relation to their sexual development, their independence and their autonomy, girls’ right to make informed and autonomous decisions, in accordance with their evolving capacities and maturity, over their sexuality, bodies and reproduction, must be ensured, though, *inter alia,* access to integral sexuality education, in order to effectively protect and guarantee their human rights.**

1. Inter-American Court of Human Rights, *Case of Guzmán Albarracín and Others v. Ecuador,* Judgement June 24, 2020 (Merits, Reparations and Costs). Available: <https://www.corteidh.or.cr/docs/casos/articulos/seriec_405_esp.pdf> [**Hereinafter: Inter-American Court of Human Rights, *Case of Guzmán Albarracín and Others v. Ecuador]*.** [↑](#footnote-ref-1)
2. Inter-American Court of Human Rights, *Case of Guzmán Albarracín and Others v. Ecuador, supra* note 1, para. 109 [↑](#footnote-ref-2)
3. Inter-American Court of Human Rights, *Case of Guzmán Albarracín and Others v. Ecuador,* para. 139. [↑](#footnote-ref-3)